

# KANSAS REGISTER

State of Kansas

**BILL GRAVES**  
Secretary of State

Vol. 9, No. 37

September 13, 1990

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## IN THIS ISSUE . . .

	Page
<b>Kansas Technology Enterprise Corporation</b>	
Request for Proposals for Kansas Patent Depository Library .....	1352
<b>Kansas Continuing Legal Education Commission</b>	
Notice of Meeting .....	1352
<b>Department of Transportation</b>	
Notice to Contractors and Materials Suppliers .....	1352
<b>Kansas State University</b>	
Notice to Bidders .....	1353
<b>University of Kansas</b>	
Notice to Bidders .....	1353
<b>Office of the Governor</b>	
Executive Order 90-127 .....	1353
<b>Department of Health and Environment</b>	
Notice Concerning Proposed Permit Action .....	1353
Notice Concerning Kansas Water Pollution Control Permits .....	1357
<b>Legislative Interim Committee Schedule</b> .....	1354
<b>Notice to Bidders for State Purchases</b> .....	1355
<b>Kansas Arts Commission</b>	
Notice of KANSAS 10 Deadline .....	1356
<b>Notice of Bond Sale</b>	
City of Newton .....	1356
<b>Kansas Racing Commission</b>	
Request for Applications for Research Grant Monies .....	1357
<b>Department of Administration</b>	
Public Notice .....	1358
<b>Permanent Administrative Regulations</b>	
State Fire Marshal .....	1358
Board of Agriculture .....	1359
State Corporation Commission .....	1359
<b>Temporary Administrative Regulations</b>	
Kansas Insurance Department .....	1362
The Kansas Lottery .....	1364
<b>Index to Administrative Regulations</b> .....	1370

**State of Kansas**  
**Kansas Technology Enterprise Corporation**  
**Request for Proposals for Kansas**  
**Patent Depository Library**

The Kansas Technology Enterprise Corporation has been directed by 1990 Senate Bill 439 to recommend a library in Kansas to be designated as a U.S. Government Patent Depository Library.

One of the methods KTEC will use in making its recommendation will be to assign a weighted numerical value to each item submitted. The selection will be as objective as possible while considering all factors. The final decision is the responsibility of the U.S. Patent and Trademark Office.

For information on what equipment, publications, obligations, etc., are required in becoming a Patent Depository Library, contact the United States Department of Commerce, Patent and Trademark Office, Patent Depository Library Program, Attn: Carole A. Shores, Director, Washington, D.C. 20231, 1-800-435-7735.

To obtain the required RFP form (90-1), contact the Kansas Technology Enterprise Corporation, 112 W. 6th, Suite 400, Topeka 66603. Further information may be obtained by contacting Kevin Carr, (913) 296-5272.

William Brundage  
 President

Doc. No. 009723

**State of Kansas**  
**Kansas Continuing Legal**  
**Education Commission**

**Notice of Meeting**

The Kansas Continuing Legal Education Commission will meet at 2 p.m. Friday, September 14, in the Office of Judicial Administration conference room, third floor, Kansas Judicial Center, 301 W. 10th, Topeka.

Ronald M. Keefover  
 Education-Information Officer

Doc. No. 009709

**State of Kansas**  
**Department of Transportation**

**Notice to Contractors and Materials Suppliers**

The Kansas Department of Transportation anticipates letting federal-aid construction contracts in the amount of \$185,000,000 for federal fiscal year 1991. There are approximately 100 certified businesses owned by disadvantaged individuals in the state of Kansas. Based on the projected dollar volume and the current availability of disadvantaged business, K.D.O.T. proposes a utilization goal of 10 percent for federal fiscal year 1991.

Public comments on this goal are requested and should be addressed to K.D.O.T. Office of Engineering Support, Attn: Sandra Greenwell, Docking State Office Building, Topeka 66612.

Horace B. Edwards  
 Secretary of Transportation

Doc. No. 009691

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**PUBLISHED BY**  
**Bill Graves**  
**Secretary of State**  
**2nd Floor, State Capitol**  
**Topeka, KS 66612-1594**  
**(913) 296-2236**



**Register Office:**  
**235-N, State Capitol**  
**(913) 296-3489**

## State of Kansas

## Kansas State University

## Notice to Bidders

Sealed bids for the item listed below will be received by the Kansas State University Purchasing Office, Manhattan, until 2 p.m. local time on the date indicated and then will be publicly opened. Interested bidders may call (913) 532-6214 for additional information.

Monday, September 24, 1990

#10056

<sup>1</sup>/<sub>2</sub>-ton pickup

William H. Sesler  
Director of Purchasing

Doc. No. 009705

## State of Kansas

Department of Health  
and EnvironmentNotice Concerning  
Proposed Permit Action

The secretary of the Kansas Department of Health and Environment is proposing to issue a permit in accordance with K.A.R. 28-19-14 (permits required) to Venture Corporation, Great Bend, to install and operate an asphalt concrete mixing plant on U.S. 50 Highway one mile west of Belpre in Edwards County.

Written materials, including the permit application and information relating to the application submitted by Venture Corporation, draft permit, permit summary and analysis by KDHE describing the basis for the proposed permit, are available for public inspection during normal business hours through October 12 by contacting Wayne Neese, KDHE, 302 W. McArtor Road, Dodge City 67801, (316) 225-0596. This material also can be reviewed at the KDHE office in Building 740, Forbes Field, Topeka. Questions concerning this proposed permit should be directed to L. C. Hinthier, KDHE, Forbes Field, Topeka, (913) 296-1576.

K.S.A. 65-3008 provides that any person affected by the issuance of a permit can request a public hearing prior to issuance of the permit. The request must be in writing and addressed to the secretary. If the secretary determines there is sufficient reason in the request, a public hearing will be conducted—the place, date and time of the hearing will be announced in this publication. A request for a hearing or written comments on the proposed permit must be submitted to the Secretary, Kansas Department of Health and Environment, Landon State Office Building, 900 S.W. Jackson, Topeka 66612, before October 12.

Stanley C. Grant  
Secretary of Health  
and Environment

Doc. No. 009717

## State of Kansas

## University of Kansas

## Notice to Bidders

Sealed bids for items listed below will be received by the University of Kansas Purchasing Office, Lawrence, until 2 p.m. local time on the date indicated and then will be publicly opened. Interested bidders may call (913) 864-3416 for additional information.

Monday, September 24, 1990

RFQ 91 0246

Double beam spectrophotometer

RFQ 91 0253

Binary gradient HPLC system

Gene Puckett, L.C.P.M.  
Director of Purchasing

Doc. No. 009715

## State of Kansas

## Office of the Governor

## Executive Order 90-127

Providing Assistance to State Employees  
Reporting for Military Duty

WHEREAS, the conflict in the Middle East has required the President of the United States to call national guard and military reserve units to active duty; and

WHEREAS, Kansas state employees will be among those who are serving our country as a result of this action; and

WHEREAS, it is appropriate for the State of Kansas, as an employer of citizens who have been called or volunteered for active duty, to take steps to accommodate the employees who will be serving our country.

NOW, THEREFORE, pursuant to the authority vested in me as Governor and Chief Executive of the State of Kansas, I hereby direct the Secretary of Administration to prepare necessary personnel rules and regulations and policies to assist state employees who have been called or volunteered for active military service. Such regulations and policies shall include provisions for expedited payment of earned compensatory time, vacation leave credits and wages earned prior to employees departure to active duty, and replacement of group term life insurance benefits.

This document shall be filed with the Secretary of State as Executive Order 90-127 and shall be effective immediately.

Dated September 5, 1990.

Mike Hayden  
Governor  
Attest: Bill Graves  
Secretary of State

Doc. No. 009722

## State of Kansas

## Legislature

## Interim Committee Schedule

The following committee meetings have been scheduled during the period of September 17-30:

Date	Room	Time	Committee	Agenda
September 17 September 18	519-S 519-S	10:00 a.m. 9:00 a.m.	Special Committee on Local Government	17th: Proposal No. 22— Planning & Zoning, committee discussion. 18th: Hearings on Proposal No. 24—User Fees, and Proposal No. 26—County Special Assessments.
September 17 September 18	526-S 526-S	10:00 a.m. 9:00 a.m.	Special Committee on Public Health & Welfare	17th: Proposal No. 33— Creation of a State Health Data System. 18th: Proposal No. 28—Medical Review Organization Regulation.
September 17 September 18	Manhattan Manhattan	10:00 a.m. 9:00 a.m.	Special Committee on Ways and Means/Appropriations	17th: Public hearing on Proposal No. 38—KSU— Agricultural Extension Funding; Tour of selected KSU facilities. 18th: Public hearing on Proposal No. 39—Regents System Issues.
September 17 September 18	531-N 531-N	10:00 a.m. 9:00 a.m.	Joint Committee on Arts and Cultural Resources	17th: Continued discussion of SB 499; preservation of paper-based materials. 18th: Historic sites public hearing and capital improvement request; public hearing on the placement of a portrait of Edwin McCabe.
September 20 September 21	531-N 531-N	10:00 a.m. 9:00 a.m.	Legislative Educational Planning Committee	Proposal No. 19 (Vocational Education) continued; graduate teaching assistants and student community service programs; Proposal No. 20 (Community College Out-District Courses); long-range planning.
September 20 September 21	514-S 514-S	10:00 a.m. 9:00 a.m.	Joint Committee on Health Care Decisions for the 1990's	Conferees on bioethics.
September 20 September 21	519-S 519-S	10:00 a.m. 9:00 a.m.	Special Committee on Judiciary	20th: Committee discussion and update on Proposal No. 12— Regional Prisons. 21st: Committee discussion on Proposal No. 13—Kansas Sentencing Commission.
September 24 September 25	514-S 514-S	10:00 a.m. 9:00 a.m.	SRS Task Force	Agenda not available.
September 27 September 28	519-S 519-S	10:00 a.m. 9:00 a.m.	Special Committee on Insurance	Agenda not available.
September 27 September 28	123-S 123-S	10:00 a.m. 9:00 a.m.	Joint Committee on State Building Construction	Agenda not available.

Emil Lutz  
Director of Legislative  
Administrative Services

## State of Kansas

## Department of Administration

## Division of Purchases

## Notice to Bidders

Sealed bids for the following items will be received by the Director of Purchases, Landon State Office Building, 900 S.W. Jackson, Room 102, Topeka, until 2 p.m. local time on the date indicated and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

**Monday, September 24, 1990**

**27166**

Statewide—Correctional officer uniform components—Group 2—shirts

**27727**

Emporia State University—Class schedule books

**28318**

Kansas State University—Rental of clothing items

**28319**

University of Kansas Medical Center—Clinical analyzer reagents and supplies (Coulter)

**85288**

Kansas State University—Lab freeze dryer

**85300**

Kansas State University—Plant growth chamber

**85367**

Department of Transportation—Paving, Salina

**85378**

Kansas State University—HPLC components

**Tuesday, September 25, 1990**

**A-5455(e)**

University of Kansas—Computer room air conditioning, Snow Hall renovation

**A-6185(e)**

Pittsburg State University—Roof replacement, Whitesitt Hall

**A-6185(b)(c)(d)**

Pittsburg State University—Roof replacement, library and physical plant; masonry, caulking, cooling tower replacement, library

**27024**

Kansas Correctional Industries—Broadcloth

**28320**

Department of Corrections—Security guard services, El Dorado

**85313**

University of Kansas—Desktop marketing system

**85314**

Pittsburg State University—Re-tension of guy wires

**85319**

Kansas State University—Computing system

**85320**

Kansas State University—Video editing equipment

**85347**

Kansas State University—Apollo workstations

**Wednesday, September 26, 1990**

**A-5578(Rev)**

Rainbow Mental Health Facility—Addition and remodel of special purpose room

**26804**

University of Kansas—Elevator maintenance service

**27516**

Statewide—November (1990) meat products

**Thursday, September 27, 1990**

**A-6536**

Adjutant General's Department—Partial reroof, Beloit Armory

**A-6537**

Adjutant General's Department—Partial reroof, Clay Center Armory

**A-6538**

Adjutant General's Department—Partial reroof, Topeka Armory

**27474**

University of Kansas Medical Center—November (1990) meat products

**27524**

University of Kansas—November (1990) meat products

**Friday, September 28, 1990**

**85365**

University of Kansas—Furnish and install automatic doors

**85366**

Lansing Correctional Facility—Building materials

**85369**

University of Kansas Medical Center—Cell culture apparatus

**85377**

Kansas State Historical Society—Microfilm processor

**Monday, October 1, 1990**

**85363**

Department of Administration, Division of Facilities Management—Carpet

**Tuesday, October 2, 1990**

**27409**

Statewide—Catheters (Class 07)

**85309**

Wichita State University—Mainframe DASD and tape subsystem

**Wednesday, October 3, 1990**

**85348**

Kansas State University—IBM 7171 ASCII controller

**Thursday, October 11, 1990**

**85368**

Department of Human Resources—Upgrade mainframe computer

**Wednesday, October 24, 1990**

**28317**

Department of Social and Rehabilitation Services—Supply of selected single and multiple source pharmaceutical products for Kansas Medicaid/Medicaid program recipients

**Monday, October 29, 1990**

**26223**

Department of Human Resources, Division of Employment—Property insurance

Nicholas B. Roach  
Director of Purchases

Doc. No. 009716

## State of Kansas

## Kansas Arts Commission

## Notice of KANSAS 10 Deadline

Entries are now being accepted for KANSAS 10, the tenth annual juried visual arts competition and exhibition sponsored by the Kansas Arts Commission. Kansas artists producing original works in two or three dimensions in the disciplines of painting, drawing, print-making, photography, and sculpture may submit entries. All entry materials must be received no later than Friday, November 16, at the Mulvane Art Museum on the campus of Washburn University in Topeka.

Dr. Barry Gaither, director and curator of the Museum of the National Center for Afro-American Artists in Roxbury, Massachusetts, will select the exhibition of approximately 50 works from slides (photographic transparencies in color) of the artworks submitted by the artists with their entries. The prize-winning works will be chosen by the juror in person after the exhibition is in place at Mulvane. The winners will be announced and the cash prizes awarded during a public reception at the opening of the exhibition. The exhibition is scheduled to be on display from February 24 through March 22, 1991.

KANSAS 10 marks the first decade of contemporary visual arts competitions sponsored by the commission. The annual competition was established in 1980 to provide Kansas artists with an opportunity for statewide recognition, to have their work evaluated by an arts professional of national reputation, and to compete for cash awards.

For more information, contact the Kansas Arts Commission, Jayhawk Tower, 700 Jackson, Suite 1004, Topeka 66603-3714, (913) 296-3335.

Dorothy L. Ilgen  
Executive Director

Doc. No. 009708

(Published in the Kansas Register, September 13, 1990.)

## Summary Notice of Bond Sale

City of Newton, Kansas

\$400,000

## General Obligation Bonds, Series 1990-A

(general obligation bonds payable from  
unlimited ad valorem taxes)

## Sealed Bids

Subject to the notice of bond sale and preliminary official statement dated September 5, 1990, sealed bids will be received by the city clerk of the city of Newton, Kansas, on behalf of the governing body at the City Hall, 120 E. 7th, Newton, KS 67114, until 5 p.m. C.D.T. on October 3, 1990, for the purchase of \$400,000 principal amount of General Obligation Bonds, Series 1990-A. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

## Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated October 1, 1990, and will become due serially on September 1 in the years as follows:

Year	Principal Amount
1991	\$30,000
1992	30,000
1993	30,000
1994	30,000
1995	30,000
1996	40,000
1997	40,000
1998	40,000
1999	40,000
2000	40,000
2001	10,000
2002	10,000
2003	10,000
2004	10,000
2005	10,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on March 1, 1991.

## Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

## Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$8,000 (2 percent of the principal amount of the bonds).

## Delivery

The city will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before November 1, 1990, at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder.

## Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1989 is \$59,549,506. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$7,835,000.

## Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

## Additional Information

Additional information regarding the bonds may be obtained from the city clerk, Sharon K. Petersen, City Hall, 120 E. 7th, Newton, KS 67114, (316) 283-6900.

Dated September 5, 1990.

City of Newton, Kansas  
Sharon K. Petersen, City Clerk

Doc. No. 009719

## State of Kansas

## Kansas Racing Commission

Request for Applications for  
Research Grant Monies

The Kansas Racing Commission is accepting applications for research grant monies from qualified applicants who propose to conduct equine research through institutions of higher education under the State Board of Regents, as authorized by K.S.A. 74-8829(b)(5), or research conducted within the state of Kansas relating to the prevention of injury to and disease of greyhounds, as authorized by K.S.A. 74-8831(b)(3).

Commission regulations governing the research grant procedure appear at K.A.R. 112-15-1 through and including K.A.R. 112-15-7. A copy of the full text of the regulations may be reviewed or obtained at the commission office.

Each application proposal must meet the requirements of K.A.R. 112-15-2, 112-15-3 and 112-15-6. The grant committee will conduct its review of each application in accordance with K.A.R. 112-15-4.

Each application must be submitted on or before November 15 to Dan P. Hamer, Executive Director, Kansas Racing Commission, 3400 Van Buren, Topeka 66611-2228, (913) 296-5800.

Dan P. Hamer  
Executive Director

Doc. No. 009718

## State of Kansas

Department of Health  
and EnvironmentNotice Concerning Kansas  
Water Pollution Control Permits

In accordance with state regulations 28-16-57 through 28-16-63 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared for discharges to the waters of the United States and the state of Kansas for the applicants described below. The tentative determinations for permit content are based on preliminary limitations of the state of Kansas and the EPA, and when issued will result in a state water pollution control permit and national pollutant discharge elimination system authorization to discharge subject to certain effluent limitations and special conditions.

Name and Address of Applicant	Waterway	Type of Discharge
Brookville Hotel % Mark Martin Brookville, KS 67425 Saline County, Kansas	Unnamed tributary of West Spring Creek	Secondary wastewater treatment facility
Kansas Permit No: C-SA02-0001      Fed. Permit No. KS-0083488		

Description of Facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Mayor and City Council % City Clerk, City Hall Palco, KS 67657 Rooks County, Kansas	South fork of Solomon River via unnamed tributary	Secondary wastewater treatment facility
Kansas Permit No: M-S030-0001      Fed. Permit No: KS-0116904		

Description of Facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Mayor and City Council % City Clerk 201 S. Elm Whitewater, KS 67154 Butler County, Kansas	Walnut River via west branch Whitewater River	Secondary wastewater treatment facility
Kansas Permit No: M-WA16-0001      Fed. Permit No: KS-0022781		

Description of Facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Mayor and City Council % City Clerk City Hall Elk City, KS 67344 Montgomery County, Kansas	Elk River	Secondary wastewater treatment facility
Kansas Permit No: M-VE14-0001      Fed. Permit No: KS-0045969		

Description of Facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Mayor and City Council % City Clerk 209 N. 8th Marysville, KS 66508 Marshall County, Kansas	Big Blue River	Secondary wastewater treatment facility
Kansas Permit No: M-BB13-0001      Fed. Permit No: KS-0024660		

Description of Facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Mayor and City Council % City Clerk 303 Main Halstead, KS 67056 Harvey County, Kansas	Little Arkansas River	Secondary wastewater treatment facility
Kansas Permit No: M-LA06-0001      Fed. Permit No: KS-0026263		

Description of Facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Mayor and City Council % City Clerk City Hall Goddard, KS 67052 Sedgwick County, Kansas	Cowskin Creek via Dry Creek	Secondary wastewater treatment facility
Kansas Permit No: M-AR37-0001      Fed. Permit No: KS-0024791		

Description of Facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent lim-

(continued)



itations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and are technology based.

**Name and Address  
of Applicant**

Mayor and City Council  
% City Clerk  
Box 535  
Baldwin City, KS 66006  
Douglas County, Kansas

**Waterway**

Ottawa Creek via  
east fork Taury  
Creek

**Type of  
Discharge**  
Secondary  
wastewater  
treatment  
facility

Kansas Permit No: M-MC04-0001

Fed. Permit No: KS-0046361

Description of Facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and are technology based.

**Name and Address  
of Applicant**

Mayor and City Council  
% City Clerk  
City Hall  
Havensville, KS 66432  
Pottawatomie County, Kansas

**Waterway**

Vermillion River via  
Spring Creek

**Type of  
Discharge**  
Secondary  
wastewater  
treatment  
facility

Kansas Permit No: M-KS22-0001

Fed. Permit No: KS-0081523

Description of Facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and are technology based.

**Name and Address  
of Applicant**

Mayor and City Council  
% City Clerk  
City Hall  
Nortonville, KS 66060  
Jefferson County, Kansas

**Waterway**

Delaware River via  
Walnut Creek

**Type of  
Discharge**  
Secondary  
wastewater  
treatment  
facility

Kansas Permit No: M-KS50-0001

Fed. Permit No: KS-0047562

Description of Facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and are technology based.

Written comments on the proposed determinations may be submitted to Bethel Spotts, Permit Clerk, Kansas Department of Health and Environment, Division of Environment, Bureau of Water, Forbes Field, Topeka 66620. All comments received prior to October 12 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-90-102/111) and the name of applicant as listed when preparing comments.

If no objections are received, the Secretary of Health and Environment will issue the final determinations. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61. Media coordination (newspapers, radio) for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

The application, proposed permit, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Division of Environment offices from 8 a.m. to 4:30 p.m. Monday through Friday. The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Stanley C. Grant  
Secretary of Health  
and Environment

**State of Kansas**

**Department of Administration**

**Public Notice**

Under requirements of K.S.A. 65-34,117(b) as amended by Senate Bill No. 554, Session of 1990, records of the Division of Accounts and Reports show the unobligated balance in the petroleum storage tank release trust fund is \$3,610,373.33 as of August 31, 1990.

Shelby Smith  
Secretary of Administration

Doc. No. 009711

**State of Kansas**

**State Fire Marshal**

**Permanent Administrative  
Regulations**

**Article 10.—INSTALLATION AND CERTIFICATION  
STANDARDS FOR EXTINGUISHING DEVICES**

**22-10-11. Approval of fixed extinguishing systems.**

(a) The authority to approve or disapprove any fixed extinguishing system installed in this state shall lie in the state fire marshal or deputy state fire marshal. This determination shall be made pursuant to K.A.R. 22-10-13, 22-10-14 and 22-10-17, or to the manufacturer's installation instructions.

(b) When a fixed extinguishing system is disapproved written notification of this disapproval shall be forwarded to the business making the installation and to the owner or occupant of the premises where the fixed extinguishing system is installed. This written notification shall include the reason or reasons why the fixed extinguishing system was disapproved. (Authorized by and implementing K.S.A. 1989 Supp. 31-133, 31-133a; effective, E-82-3, Jan. 21, 1981; effective May 1, 1981; amended May 1, 1982; amended, T-83-31, Oct. 25, 1982; amended May 1, 1983; amended Oct. 29, 1990.)

**22-10-13. Commercial cooking equipment duct system.** National fire protection association pamphlet no. 96, 1987 edition, effective June 10, 1987, chapters 1 through 10, including appendix a, except paragraph 7-2.1.1.2, is hereby adopted by reference, with the exception that existing systems with electrically heated equipment, other than deep fat fryers, need not be automatically shut off upon activation of the extinguishing system. (Authorized by and implementing K.S.A. 1989 Supp. 31-133, 31-133a; effective, T-82-3, Jan. 1981; effective May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1985; amended May 1, 1986; amended Oct. 29, 1990.)

John A. Earhart  
State Fire Marshal

Doc. No. 009713



## State of Kansas

## Board of Agriculture

Permanent Administrative  
Regulations

## Article 7.—MILK AND DAIRY PRODUCTS

**4-7-800.** (Authorized by K.S.A. 75-1401, K.S.A. 1982 Supp. 65-708; implementing K.S.A. 1982 Supp. 65-708; effective, T-83-25, Oct. 1, 1982; effective May 1, 1983; revoked Oct. 29, 1990.)

**4-7-801.** (Authorized by K.S.A. 75-1402, K.S.A. 1982 Supp. 65-708, 65-719; implementing K.S.A. 1982 Supp. 65-708, 65-719; effective, T-83-25, Oct. 1, 1982; effective May 1, 1983; revoked Oct. 29, 1990.)

**4-7-802.** Grade A milk fees. The fees required by K.S.A. 65-745 shall be \$.01 for each 100 pounds of: (a) milk produced by milk producers under Kansas grade A inspection;

(b) packaged grade A pasteurized milk or milk products sold in Kansas at retail to the final consumer or sold to any person for resale in Kansas at retail to the final consumer by a milk distributor;

(c) grade A raw milk for pasteurization delivered to a milk processor in Kansas which is processed into grade A milk or grade A milk products. (Authorized by K.S.A. 75-1401 and K.S.A. 65-745 as amended by Sec. 3 of 1990 SB 419; implementing K.S.A. 65-745 as amended by Sec. 5 of 1990 SB 419; effective, T-83-25, Oct. 1, 1982; effective May 1, 1983; amended, T-4-7-802, July 2, 1990; amended Oct. 29, 1990.)

**4-7-803.** (Authorized by K.S.A. 75-1401, 1982 Supp. 65-708, 65-719; implementing K.S.A. 1982 Supp. 65-708, 65-719; effective, T-83-25, Oct. 1, 1982; effective May 1, 1983; revoked Oct. 29, 1990.)

**4-7-903.** Criteria to determine dollar amount of proposed civil penalty. In determining the amount of any proposed civil penalty, the gravity of the violation shall be considered by the secretary or the secretary's designee. Factors to be considered shall include:

(a) The potential of the act to injure or endanger the health of any consumer, or the general public;

(b) the severity of actual or potential injuries;

(c) the respondent's history of compliance with article 7 of chapter 65 of the Kansas statutes annotated and regulations promulgated thereunder;

(d) any action taken by respondent to remedy the specific violation or to mitigate any adverse health effects or environmental effects which were the result of the violation; and

(e) whether or not the violation involved any misrepresentation or fraud. (Authorized by K.S.A. 75-1401; implementing K.S.A. 1989 Supp. 65-770; effective January 20, 1990; amended Oct. 29, 1990.)

## Article 8.—NOXIOUS WEEDS

**4-8-34.** Adoption by reference. Control practices contained in the "Official Leafy Spurge Control Program" published by the Kansas state board of agriculture on January 9, 1990 are hereby adopted by reference and shall

apply to the control and eradication of leafy spurge in the state of Kansas. Copies of this publication are available from the plant health division of the Kansas state board of agriculture, Topeka, Kansas. (Authorized by and implementing K.S.A. 2-1315; effective May 1, 1988; amended Oct. 29, 1990.)

**4-8-40.** Adoption by reference. Control practices contained in the "Official Sericea Lespedeza Control Program" published by the Kansas state board of agriculture on January 8, 1990 are hereby adopted by reference and shall apply to the control and eradication of sericea lespedeza in the state of Kansas. Copies of this publication are available from the plant health division of the Kansas state board of agriculture, Topeka, Kansas. (Authorized by and implementing K.S.A. 2-1315; effective May 1, 1988; effective Jan. 1, 1989; amended Oct. 29, 1990.)

Sam Brownback  
Secretary of Agriculture

Doc. No. 009721

## State of Kansas

## State Corporation Commission

Permanent Administrative  
Regulations

## Article 9.—RAILROAD RATES

**82-9-1.** Railroad tariff filing requirements. (a)(1) Each railroad tariff for rates or provisions published in connection with a new service, and each railroad tariff change that would result in increased rates, shall be on file with the commission at least 20 days prior to its effective date.

(2) Each railroad tariff which would result in decreased rates or increased value of service shall be on file at least 10 days prior to its effective date.

(3) Each rate publication filed with the commission shall be on forms prescribed by the commission and shall contain such information as the commission may require, including, but not limited to:

(A) a tariff containing all relevant and material provisions relating to the rate and its application; and

(B) a statement as to whether the rate will increase, decrease, or produce no change in the carrier's revenue.

(4) Each railroad tariff which would result in a decrease in the value of service shall be on file at least 20 days prior to its effective date.

(5) Each railroad tariff which would result in neither increases or reductions of rate or services shall be filed at least 10 days prior to its effective date.

(6) Independently filed new and reduced rail rates may become effective on one day's notice pursuant to 3 I.C.C. 323 (1987) and 49 C.F.R. § 1312.39(h) as in effect on October 1, 1989.

(7) Shorter notice will be available for changes in rail rates upon a showing of good cause pursuant to 49 C.F.R. § 1312.2 as in effect on October 1, 1989.

(b) The interstate commerce commission's decision in ex parte No. 355, cost standards for railroad rates 364

(continued)

I.C.C. 898 (1981) is hereby adopted by reference in implementing minimum rate regulation.

(c) Rate Discrimination.

(1) Differences between rates, classifications, rules and practices of rail carriers providing transportation subject to the jurisdiction of this commission shall not constitute unlawful discrimination if such differences result from different services provided by rail carriers.

(2) The commission recognizes that the following matter are not unjust, unreasonably discriminating or unduly preferential:

(A) contracts approved by the commission except as provided in 49 U.S.C. 10713;

(B) surcharges or cancellations pursuant to 49 U.S.C. 10705a;

(C) separate rates for distinct rail services;

(D) rail rates applicable to different routes; and

(E) expenses authorized under 49 U.S.C. 10751.

(3) The discrimination limitations of 49 U.S.C. § 10741 do not restrict the commission's mandate to eliminate discrimination in the rail transportation of recyclables.

(d) The commission hereby adopts 49 U.S.C. § 10730 by reference, authorizing railroads to publish rates under which the liability of the carrier is limited to a value established by the written declaration of the shipper or by written agreement between the carrier and the shipper.

(e) All actions regarding the operation of railroads within the state of Kansas will be consistent with 49 U.S.C. § 10101a. (Authorized by K.S.A. 66-106; implementing K.S.A. 66-107, 66-110 and K.S.A. 1989 Supp. 66-146; effective May 1, 1984; amended May 1, 1985; amended Oct. 29, 1990.)

**82-9-3. Grounds for suspension.** (a) A proposed rate, classification, rule, or practice shall not be suspended unless it appears, from the specific facts shown by a verified statement of a protestant, that:

(1) there is a substantial probability that the protestant will prevail on the merits;

(2) without suspension, the proposed rate change will cause substantial injury to the protestant or the party represented by the protestant; and

(3) because of the peculiar economic circumstances of the protestant, the provisions of K.A.R. 82-9-11 of these rules do not protect the protestant.

(4) A state agency shall not suspend a proposed rail rate classification, rule or practice on its own motion. (Authorized by K.S.A. 66-106; implementing K.S.A. 1989 Supp. 66-146; effective May 1, 1984; amended Oct. 29, 1990.)

**82-9-5. Market dominance.** (a) When any new individual or joint rate is alleged to be unreasonably high, a determination of whether or not the railroad proposing the rate has market dominance over the transportation to which the rate applies shall be made by the commission within 90 days after the start of a proceeding under these rules.

(b) If the railroad proposing the rate has market dominance over the transportation to which the rate applies, a determination of whether or not the proposed rate exceeds a maximum reasonable level for that transportation shall be made.

(c) If the railroad proposing the rate does not have market dominance over the transportation to which the rate applies, no determination on the issue of reasonableness will be made.

(d) Any finding by the commission that the proposed rate has a revenue-variable cost percentage which is equal to or greater than the percentages found in 49 U.S.C. § 10709(d)(2) as in effect on September 23, 1983, which is hereby adopted by reference, shall not establish a presumption that:

(1) The railroad has or does not have market dominance over such transportation; or

(2) the proposed rate exceeds or does not exceed a reasonable maximum level.

(e) The interstate commerce commission's decision in Market Dominance Determinations 365 ICC 118, applying to the market dominance standards, is hereby adopted by reference.

(f) Evidentiary guidelines in determining market dominance as set out in 365 I.C.C. 118 (1981) and 2 I.C.C.2d 1 (1985) are hereby adopted by reference. (Authorized by K.S.A. 66-106; implementing K.S.A. 1989 Supp. 66-146; effective May 1, 1984; amended May 1, 1985; amended Oct. 29, 1990.)

**82-9-6. Reasonableness.** (a) Except for nonferrous recyclables, the reasonableness of a rate shall be evaluated by the commission only after market dominance has been established. Authority to determine and prescribe reasonable rules, classifications and practices may not be used directly or indirectly to limit the rates that rail carriers are otherwise authorized to establish. Unless prohibited by specific statutory provision, any reasonable rate may be established. The standards set out in 1 I.C.C.2d 520 (1985) and ex parte no. 347 (Sub.-No. 2) (unpublished) as served April 8, 1987, are hereby adopted by reference. In determining whether a rate is reasonable, evidence of the following shall be considered:

(1) The amount of traffic that is transported at revenues which do not contribute to going concern value and the efforts made to minimize that traffic;

(2) the amount of traffic which contributes only marginally to fixed costs and the extent to which, if any, rates on the traffic can be changed to maximize the revenues from the traffic; and

(3) the carrier's mix of rail traffic, to determine whether one commodity is paying an unreasonable share of the carrier's overall revenues.

(b) Any rate on nonferrous recyclable material shall be presumed to be unreasonable when it is set at a revenue to variable cost ratio greater than 147.7 percent.

(c) Revenue adequacy standards as set out in standards for railroad revenue adequacy, 364 I.C.C. 803 (1981) shall be established by the commission. Where there is a prior interstate commerce commission ruling on revenue adequacy of a particular carrier, a certified state agency is bound by the ICC ruling and may not determine revenue adequacy independently. The return on investment/cost of capital standards as set out in 3 I.C.C.2d 261 (1986) are also adopted by reference.

(d) Intrastate rates in existence on October 1, 1980, shall be conclusively presumed reasonable unless a complaint that was filed under § 229 of the staggers rail act of 1980 with the interstate commerce commission not later

than March 31, 1981, was submitted to the commission for disposition.

(1) The cost adjustment factor determined by the interstate commerce commission on a quarterly basis shall be used by the commission to determine the adjusted base rate.

(2) Complaints on adjustments to the base rate which cover inflation will not be investigated, suspended or accepted.

(3) Increases within the zone will not be suspended or investigated unless the increases produce ratios exceeding the year's market dominance threshold plus 20%, or 190%, whichever is less. In deciding whether to investigate, the following shall be considered by the commission:

(A) The amount of traffic below going concern value and efforts to minimize it;

(B) amount of traffic contributing marginally to fixed costs;

(C) traffic impact on revenue adequacy and energy; and

(D) cross subsidization of traffic.

(e) The protestant shall have the burden of justifying an investigation.

(f) A rail carrier may petition the interstate commerce commission to review a decision regarding intrastate rates pursuant to 49 U.S.C. § 11501(c). (Authorized by K.S.A. 66-106; implementing K.S.A. 1989 Supp. 66-146; effective May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended Oct. 29, 1990.)

**82-9-8. Zone of rate flexibility.** (a)(1) Any rail carrier may raise any rate subject to the limitations described in 49 U.S.C. Sec. 10707a as in effect on September 23, 1983. Base rates increased by the quarterly rail cost adjustment factor shall not be investigated or suspended.

(2) In addition, any railroad may increase any rate by 6% per annum until October 1984. Railroads not earning adequate revenues, as defined by the interstate commerce commission, after that period, may raise rates 4% per year. Neither the 6% or 4% increase shall be suspended. If either increase results in a revenue to variable cost ratio that equals or exceeds 190%, the rate may be investigated either upon the commission's own motion or on complaint of an interested party. The preceding standards regarding the regulation of intrastate rail rates are adopted by the commission to conform to the staggers rail act of 1980.

(b) In determining whether or not to investigate the rate, the following shall be considered:

(1) the amount of traffic which the railroad transports at revenues which do not contribute to going concern value and efforts made to minimize that traffic;

(2) the amount of traffic which contributes only marginally to fixed costs and the extent to which rates on that traffic can be changed to maximize the revenues from that traffic;

(3) the impact of the challenged rate on national energy goals;

(g) state and national transportation policy; and

(5) the revenue adequacy goals incorporated in the interstate commerce act, as in effect on September 23, 1983.

(6) Increased rates resulting from application of the rail cost adjustment factor (RCAP) are conclusively presumed

lawful so long as they do not exceed the adjusted base rate. (Authorized by K.S.A. 66-106; implementing K.S.A. 1989 Supp. 66-146; effective May 1, 1984; amended May 1, 1985; amended Oct. 29, 1990.)

**82-9-14. Maximum rates.** (a) Rail rates shall not be established below a reasonable minimum. Any rate for transportation by a rail carrier that does not contribute to the going concern value for that carrier is presumed to be not reasonable.

(b) Rail rates which equal or exceed the variable cost of providing the transportation shall be conclusively presumed to contribute to the going concern value of that rail carrier, and therefore shall be presumed not to be below a reasonable minimum.

(c) In determining whether a rate is reasonable, the policy that railroads earn adequate revenues, as well as evidence of the following factors, shall be considered:

(1) the amount of traffic which is transported at revenues which do not contribute to going concern value and efforts made to minimize such traffic;

(2) the amount of traffic which contributes only marginally to fixed costs and the extent to which, if any, rates on that traffic can be changed to maximize the revenues from such traffic; and

(3) the carrier's mix of rail traffic to determine whether one commodity is paying an unreasonable share of the carrier's overall revenues. (Authorized by K.S.A. 66-106; implementing K.S.A. 1989 Supp. 66-146; effective May 1, 1984; amended Oct. 29, 1990.)

**82-9-16. Contracts.** (a) Definitions. (1) "Contract," as used in this regulation, means a written agreement entered into by one or more rail carriers with one or more purchasers of rail services, to provide specified services under specified rates, charges, and conditions.

(2) "Amendment" means written contract modifications signed by the parties.

(b) Filing and approval. Each rail carrier providing transportation subject to commission jurisdiction shall file, with the commission, an original and one copy of all contracts entered into with one or more purchasers of rail services. These contracts shall be accompanied by two copies of the contract tariff that contains a summary of the nonconfidential elements of the contract in the form specified in 49 C.F.R. 1300.300-1300.315, as in effect on September 23, 1983, which is hereby adopted by reference. The following parts of the federal rules and regulations promulgated by the interstate commerce commission, as they existed on September 23, 1984, are hereby incorporated by reference: 49 C.F.R. 1300.300 through 1300.315.

(c) Each contract filed under the section shall specify that the contract is made pursuant to K.A.R. 82-9-16, and shall be signed by duly authorized parties.

(d) Each amendment shall be treated as a new contract. Each amendment shall be lawful only if it is filed and approved in the same manner as a contract. To the extent terms affecting the lawfulness of the underlying contract are changed, remedies shall be revived and review shall again be available.

(e) Grounds for review of contract. A proceeding to review a contract may be initiated within 30 days of its

(continued)

filing date upon the commission's own motion or complaint of an interested party. Such a review shall be based only on an allegation of violations as described in K.A.R. 83-9-17. For purposes of this subsection, the definition of the term for "agricultural commodities," "forest products," and "paper" will be decided on a case-by-case basis.

(f) Enforcement. The exclusive remedy for an alleged breach of a contract approved by the commission shall be an action in an appropriate state district court, unless the parties otherwise agree in the contract. A rail carrier shall not be required to violate the terms of a contract, except to the extent necessary to comply with 49 U.S.C. § 11128.

(g) A rail carrier may enter into contracts for the transportation of agricultural commodities that involve the use of carrier-owned or based equipment if the involved equipment does not exceed 40 percent of the total number of the carrier's owned or leased equipment, by major car type. Agricultural commodities shall include forest products, excluding wood pulp, wood chips, pulpwood or paper.

(h) Any transportation or service performed under a contract or amendment may begin, without specific commission authorization, on or after the date the contract and contract summary or contract amendment and supplement are filed and before commission approval.

(i) Rules governing railroad contracts as set forth in 4 I.C.C.2d 288 (1988) are hereby adopted by reference. (Authorized by K.S.A. 66-105; implementing K.S.A. 1989 Supp. 66-146; effective May 1, 1984; amended May 1, 1985; amended Oct. 29, 1990.)

**82-9-24. Joint rate surcharges and cancellations.** (a) 49 U.S.C. 10705a, as it existed on September 15, 1984, is adopted by reference.

(b) Rail variable cost and revenue determinations for joint rates subject to surcharge or cancellation shall be made pursuant to 3 I.C.C.2d 703 and 49 C.F.R. Part 1138 as in effect October 1, 1989.

(c) Cancellation of joint rates and complaints seeking prescription of joint rates and reciprocal switching arrangements shall be made pursuant to I.C.C.2d 822 and 49 C.F.R. Part 1144 as in effect October 1, 1989. (Authorized by K.S.A. 66-106; implementing K.S.A. 1989 Supp. 66-146; effective May 1, 1984; amended May 1, 1985; amended Oct. 29, 1990.)

Judith McConnell  
Executive Director

Doc. No. 009710

## State of Kansas

### Kansas Insurance Department

#### Temporary Administrative Regulations

##### Article 7.—AGENTS

**40-7-20a. Agents; brokers; continuing education; approval of courses; requirements.** (a) Definitions. For the purposes of this regulation:

(1) "Coordinator" means an individual who is responsible for monitoring continuing education offerings;

(2) "correspondence courses" means courses that are primarily delivered or conducted in other than a classroom setting or with on-site instruction and are designed to be completed independently by the student;

(3) "course" means a series of lectures or lessons dealing with a particular subject following a prearranged agenda or study plan and may culminate in a written examination;

(4) "instructor" means an individual lecturing in a continuing education offering;

(5) "licensee," "licensed agent" or "agent" means a natural person licensed by this state as an agent or broker;

(6) "person" means a natural person, firm, institution, partnership, corporation or association; and

(7) "sponsor," or "sponsoring organization" means a person or firm offering or providing insurance education.

(b) General requirements.

(1) Only courses which impart substantive and procedural knowledge relating to insurance and are beneficial to the insuring public subsequent to initial licensing shall be approved for credit. Approved courses shall be classified as life, health, variable contracts courses; property and casualty courses; or, general courses. Credit earned from general courses are acceptable in meeting the requirements for any single license classification.

(2) Courses of the following types do not meet the basic criteria for approvable courses described in paragraph (1) of this section:

(A) Courses designed to prepare students for a license examination;

(B) courses in mechanical office or business skills, including typing, speed reading, or use of calculators or other machines or equipment;

(C) courses in sales promotion, including meetings held in conjunction with the general business of the licensee;

(D) courses related to office management or intended to improve the operation of the licensee's business, not leading to a recognized professional insurance designation or enhancing the licensee's ability to serve the public; and

(E) courses which are primarily intended to impart knowledge of specific products of specific companies if the courses relate to the sales promotion or marketing of one or more of the products discussed.

(3)(A) Courses must be attended in their entirety in order for a licensee to receive full credit. Proportional credit may be given for partial attendance at a course.

(B) Upon completion of approved courses, students shall receive credit for the number of hours approved for

the course which will generally be equivalent to one hour of credit for each hour of instruction.

(C) If the number of credit hours for which a course is approved is fewer than the total number of hours of the course presentation, the student must attend the entire course in order to receive credit for the number of approved hours.

(D) The number of approved hours will not include time spent on introductions, breaks, or other activities not directly related to approved educational information or material.

(E) Neither students nor instructors may earn full credit for attending or instructing at any subsequent offering of the same course for three years after attending or teaching such course.

(4) Course examinations will not be required for approval of continuing education courses except correspondence courses.

(5) Sponsors shall submit proposed courses to the commissioner for pre-approval at least 30 days prior to the date on which the course is to be held, except as provided in K.S.A. 1989 Supp. 40-240f(g)(6).

(6) Courses cannot be advertised in any manner as approved unless approval has been granted, in writing, by the commissioner.

(7) If approval has been granted for the initial offering of a course, approval for subsequent offerings not disclosed in the initial submission may be granted by providing written notification to the commissioner at least 30 days in advance of the date the program is to be held indicating that no change has been made in the course and specifying the additional times and places the course will be presented.

(8) All fees required for individual course approval shall be submitted with the course submission. If the sponsor elects to pay the prescribed fee for all courses, the fee shall be paid annually and shall be submitted with the first course submission each year. Subsequent course submissions should include documentation of prior fee payment.

(9) Each course of study except correspondence courses shall be conducted in a classroom or other facility which is adequate to comfortably accommodate the faculty and the number of students enrolled. The sponsor may limit the number of students enrolled in a course.

(10)(A) Each course leading to a nationally or regionally recognized designation shall receive credit as approved by the commissioner. A listing of all courses approved as nationally or regionally recognized insurance education programs or otherwise including approved credit hours shall be available to the public upon request. In no event shall the credit for any approved course exceed the biennial requirement except as provided by K.S.A. 1989 Supp. 40-240f(e).

(B) Any agent attending at least 80 but less than 100 percent of regularly scheduled classroom sessions for any single course may receive 50 percent of the educational credit received by those agents who attend all sessions and satisfactorily complete the course. Such credit may be earned to the extent that adequate records are maintained and appropriate certification of such attendance is provided by the course instructor.

(11)(A) The amount of credit received by an agent for

a correspondence course shall be based upon successful completion of the course and an independently monitored examination subject to the number of hours assigned by the commissioner.

(B) Examination monitors shall not be affiliated in any way with the sponsoring organization or the licensee and shall be subject to approval by the commissioner. Any examinations utilized or to be utilized shall be included in the material submitted for course approval. No examination will be approved unless the commissioner is satisfied that security procedures protecting the integrity of the examination can be maintained. If security is compromised no credit will be granted.

(C) Any sponsor of correspondence courses shall clearly disclose to any agent wishing to receive credit in Kansas the number of hours for which that particular course has been approved by the commissioner.

(c) Any licensee found to have falsified a continuing education report to the commissioner shall be subject to suspension or revocation of his or her insurance license in accordance with K.S.A. 40-246, or a penalty as prescribed in K.S.A. 40-254 or both.

(d) Course requirements.

(1) Each course of study shall have a coordinator, who is responsible for supervising the course and assuring compliance with the statutes and regulations governing the offering of insurance continuing education courses.

(2)(A) As required by K.S.A. 1989 Supp. 40-240f(g)(5), sponsoring organizations shall maintain accurate records relating to course offerings, instructors, and student attendance. If the coordinator leaves the employ of the sponsor or otherwise ceases to monitor continuing education offerings, the records shall be transferred to the replacement coordinator or an officer of the sponsor. If a sponsor ceases operations, the coordinator shall be responsible for maintaining the records or providing a custodian of the records acceptable to the commissioner. In order to be acceptable, custodians shall agree to make copies of student records available to students free of charge or at a reasonable fee. Under no circumstances will the commissioner act as custodian of the records.

(B) Each sponsor shall provide students with course completion certificates, on a form prescribed or approved by the commissioner, within 30 days of completion of the course. A sponsor may require payment of the course tuition as a condition for receiving the course completion certificate.

(3) Each instructor shall possess the following qualifications:

(A) Three years of recent experience in the subject area being taught;

(B) a college degree related to the subject area being taught;

(C) two years of recent experience in the subject area being taught and 60 classroom hours of acceptable course work in the subject area being taught; or

(D) an appropriate professional designation in the area being taught.

(4) Instructors shall:

(A) Comply with all laws and rules pertaining to insurance continuing education;

(continued)



(B) provide students with current and accurate information;

(C) maintain an atmosphere conducive to learning in a classroom; and

(D) provide assistance to the students and respond to questions relating to course material.

(5) Each sponsor, coordinator and instructor shall notify the commissioner within 10 days after the occurrence of any of the following:

(A) A felony or misdemeanor conviction or disciplinary action taken against an insurance or other occupational license held by the coordinator or instructor; and

(B) any change of information contained in an application for course approval.

(e) Licensee reporting requirement.

(1) Continuing education credit shall be reported by the licensee on forms and in a manner prescribed by the commissioner. All courses shall be completed or attended during the two year period for which the credit hours are to be applied. An agent may not apply the credit earned for any one course to more than one reporting period except as provided by K.S.A. 1989 Supp. 40-240f(e).

(2) Requests for an extension permitted by K.S.A. 1989 Supp. 40-240f(f)(6) shall be submitted in writing no later than March 1 of the year due and shall include an explanation and independent verification of the hardship. (Authorized by K.S.A. 40-103; implementing K.S.A. 1989 Supp. 40-240f; effective May 15, 1989; amended T-40-8-28-90, Aug. 28, 1990.)

Fletcher Bell  
Commissioner of Insurance

Doc. No. 009707

## State of Kansas

### The Kansas Lottery

#### Temporary Administrative Regulations

#### Article 4.—INDIVIDUAL GAME RULES

**111-4-100. Name of Drawing.** The Kansas Lottery shall conduct a series of instant ticket drawings entitled "State Fair Drawings." The dates of the drawings shall coincide with the 1990 Kansas State Fair in Hutchinson, Kansas. The times and dates of the drawings shall be as follows:

DATE	DRUM OPENS	DRAW	DRUM OPENS	DRAW	DRUM OPENS	DRAW
Sept. 7	10:00 a.m.			4:00 p.m.	4:30 p.m.	8:00 p.m.
Sept. 8	10:00 a.m.	12:00 p.m.	12:30 p.m.	4:00 p.m.	4:30 p.m.	8:00 p.m.
Sept. 9	10:00 a.m.	12:00 p.m.	12:30 p.m.	4:00 p.m.	4:30 p.m.	8:00 p.m.
Sept. 10	10:00 a.m.			4:00 p.m.	4:30 p.m.	8:00 p.m.
Sept. 11	10:00 a.m.			4:00 p.m.	4:30 p.m.	8:00 p.m.
Sept. 12	10:00 a.m.			4:00 p.m.	4:30 p.m.	8:00 p.m.
Sept. 13	10:00 a.m.			4:00 p.m.	4:30 p.m.	8:00 p.m.
Sept. 14	10:00 a.m.	12:00 p.m.	12:30 p.m.	4:00 p.m.	4:30 p.m.	8:00 p.m.
Sept. 15	10:00 a.m.	12:00 p.m.	12:30 p.m.	4:00 p.m.	4:30 p.m.	7:00 p.m.
Sept. 15	"State Fair Grand Prize Drawing" ..... 7:30 p.m.					

(Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-9-7-88, Sept. 7, 1988; amended, T-

111-8-24-89, Aug. 18, 1989; amended, T-111-9-8-89, Sept. 8, 1989; amended, T-111-8-24-90, Aug. 17, 1990.)

**111-4-101. Definitions.** (a) All definitions contained in the Kansas lottery act (K.S.A. 1989 Supp. 74-8701 et seq.) and lottery regulations are hereby incorporated by reference and govern unless otherwise indicated.

(b) "Kansas State Fair" or "State Fair" means the annual fair held in Hutchinson, Kansas, scheduled in 1990 from September 7 through 16, 1990.

(c) "Kansas Lottery State Fair Drawings" or "State Fair Drawings" means the acts of drawing prizes conducted by the Kansas Lottery at the state fair in which participants are selected to win various prizes as described in K.A.R. 111-4-104.

(d) "Co-sponsor drawings" means an act of drawing for prizes which may be held at the state fair subsequent to the "State Fair Drawings."

(e) "Co-sponsor(s)" means the person, retailer or organization designated by the executive director to assist in organizing the "Kansas Lottery State Fair Drawings."

(f) "Non-winning ticket" means any valid Kansas instant game lottery ticket not eligible to win a prize under any instant game rules.

(g) "Receptacle" or "drum" means a container in which non-winning Kansas instant game lottery tickets are placed and from which the "State Fair Drawings" are made. Receptacles or drums shall be sealable and capable of being rotated for the purpose of mixing.

(h) "Bare arm technique" means a type of drawing where the person drawing the winning ticket from the receptacle or drum wears a long-sleeved shirt with sleeve rolled up above the elbow, a short-sleeved shirt (sleeve not extending past the elbow) or a no-sleeve shirt which exposes the drawer's bare arm.

(i) "State Fair Grand Prize Drawing" or "Grand Prize Drawing" means the drawing which will occur at approximately 7:30 p.m. on September 15, 1990, for the prize(s) described at K.A.R. 111-4-104. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-9-7-88, Sept. 6, 1988; amended, T-111-8-24-89, Aug. 18, 1989; amended, T-111-8-24-90, Aug. 17, 1990.)

**111-4-102. Location of Drawings.** "State Fair Drawings" shall be held in the Kansas Lottery building on the state fairgrounds in Hutchinson, Kansas, from September 7 through September 15, 1990. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-9-7-88, Sept. 6, 1988; amended, T-111-8-24-89, Aug. 24, 1989; amended, T-111-9-8-89, Sept. 8, 1989; amended, T-111-8-24-90, Aug. 17, 1990.)

**111-4-104. Prizes.** (a) The winners selected at the "State Fair Drawings" specified in K.A.R. 111-4-100 between September 7 and September 15, 1990, including the 7:00 p.m. drawing shall receive a prize of not less than one hundred dollars (\$100). At each of those drawings the first two valid non-winning tickets drawn pursuant to K.A.R. 111-4-106 shall receive a prize of not less than \$100, the specific amount to be determined at the "State Fair Grand Prize Drawing." All winners in the 1990 State Fair lottery drawings become finalists and are automatically entered into the "State Fair Grand Prize Drawing." The "State Fair Grand Prize Drawing" will occur at 7:30 p.m. on September 15, 1990, and the winner shall receive

a 1991 Chevrolet pickup and cash with a total value of \$27,628. All prize awards are subject to lottery validation, set offs and deductions as provided by law.

(b) A player who purchases at least three instant or on-line tickets at the lottery state fair building or lottery tent is entitled to one roll of oversized dice at the state fair lottery building for a chance to win a lottery promotional prize. If the player rolls a seven or an 11, he or she wins a promotional prize determined by the lottery. The odds of rolling a seven are one in six rolls. The odds of rolling an 11 are one in 18. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-9-7-88, Sept. 6, 1988; amended, T-111-8-24-89, Aug. 18, 1989; amended, T-111-9-8-89, Sept. 8, 1989; amended, T-111-8-24-90, Aug. 17, 1990.)

**111-4-105. Entry into Drawing.** Entry into the "State Fair Drawing" is accomplished by the process detailed in the following subparagraphs:

(a) Obtain a valid Kansas instant lottery ticket. Joker's Wild II instant tickets scheduled to expire on September 10, 1990, shall be considered valid instant tickets for the purposes of all 1990 "State Fair Drawings" and the "State Fair Grand Prize Drawing" occurring through September 15, 1990, but shall not be valid for any other purpose beyond the above expiration date;

(b) Determine if the ticket is a winning ticket in accordance with any instant game rules. If the ticket is a winning ticket, it is not eligible for the "State Fair Drawing" and shall be redeemed in accordance with the instant game rules;

(c) If the ticket is a valid non-winning ticket, the ticket is eligible for winning the drawing and the holder of the ticket may enter the "State Fair Drawings."

(d) The holder of the non-winning ticket must complete the information form on the back of the ticket in a legible manner and sign it. Unsigned tickets shall not be considered valid entries in any drawing conducted by the lottery;

(e) The holder of the non-winning ticket must take the non-winning ticket with the completed information form to the location of the "State Fair Drawing" and place it in the receptacle provided;

(f) The receptacle or drum shall be available and entries may be made at the times stated in K.A.R. 111-4-100. Entries shall be allowed until the actual winner selection process begins;

(g) The holder of the ticket is not required to personally attend the "State Fair Drawing" or be present at the time of the drawing to be determined a winner;

(h) The drawings will be conducted at the approximate times listed in K.A.R. 111-4-100.

(i) There is no limit to the number of entries a participant may make. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710(b); effective, T-111-9-7-88, Sept. 6, 1988; amended, T-111-8-24-89, Aug. 18, 1989; amended, T-111-9-8-89, Sept. 8, 1989; amended, T-111-8-24-90, Aug. 17, 1990.)

**111-4-106. Determination of "State Fair Drawing" Winners.** (a) At least ten minutes before the drawings, the co-sponsor or person designated by the executive director, shall announce to the audience the time that the winner selection process will begin. Any persons wishing

to enter the drawing who have not yet done so, shall immediately place their tickets into the receptacle or drum at this time.

(b) Prior to sealing the receptacle or drum, the co-sponsor or person designated by the executive director shall announce that entries into the "State Fair Drawings" are closed. No further entries will be accepted.

(c) The receptacle or drum shall be sealed and rotated a minimum of 10 times to ensure random selection.

(d) The executive director shall designate one individual of his choice to participate in the selection process.

(e) The selection of "State Fair Drawing" winners shall be accomplished by the individual designated by the executive director, using a bare arm technique, removing only one ticket from the receptacle in which all entries were placed. A person representing the executive director as well as a law enforcement officer approved by the Kansas lottery, division of security, and a Kansas lottery employee, shall review the selected ticket to determine if the name stated on the information form located on the back of the selected ticket is legible and if the ticket is signed. If the name is determined to be legible and the ticket is signed, the name of the winner shall be announced to the audience. This process shall be repeated until two valid winners have been selected.

(f) The named person is not required to be present in order to win the "State Fair Drawing" prizes described in K.A.R. 111-4-104, including the "State Fair Grand Prize Drawing." The security person conducting the drawing shall be responsible for the final determination concerning the legibility of the name on any ticket drawn.

(g) The person whose ticket has been drawn from the receptacle or drum at each drawing shall be determined a "State Fair Drawing" winner.

(h) Each winner shall be given a prize claim form to be completed and returned to the lottery;

(i) If the name on any ticket drawn is not legible or the ticket is not signed, the ticket drawn will be void and the selection process shall be repeated until a valid winning ticket is selected. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-9-7-88, Sept. 8, 1988; amended, T-111-8-24-90, Aug. 17, 1990.)

**111-4-106a. "State Fair Grand Prize Drawing."** The 44 \$100 winners in the 1990 "State Fair Drawings" shall be automatically entered into the "State Fair Grand Prize Drawing." The grand prize winner will be determined as follows:

(a) At the close of each draw the law enforcement officer selected by the Kansas lottery, division of security, shall secure the tickets of each "State Fair Drawing" winner and the auditor present shall prepare a log of the names and addresses of those winners.

(b) Prior to the grand prize drawing scheduled for approximately 7:30 p.m. on September 15, 1990, the security person in charge of the drawing shall observe the auditor as the auditor places the names and addresses of each "State Fair Drawing" winner in a separate sealed envelope and deposits the sealed envelopes in the receptacle or drum.

(c) The receptacle or drum containing the 44 "State

(continued)



Fair Drawing" winners shall be sealed and rotated a minimum of 10 times to ensure random selection.

(d) The executive director shall designate one individual to participate in the selection process.

(e) The selection of "State Fair Grand Prize Drawing" winners shall be accomplished by the individual designated by the executive director, using a bare arm technique, removing only one envelope from the receptacle or drum in which all entries were placed. The person drawing the envelope shall open the envelope and show the name of the grand prize winner to the security person and the auditor present for verification. The name of the winner shall then be announced to the audience by the person drawing the ticket.

(f) The named person is not required to be present in order to win the "State Fair Grand Prize Drawing" prize described in K.A.R. 111-4-104.

(g) The person whose name has been drawn from the receptacle or drum shall be determined the "State Fair Grand Prize Drawing" winner.

(h) Following the selection of the "State Fair Grand Prize Drawing" winner, additional envelopes may be drawn in the same manner as the "State Fair Grand Prize Drawing" and non-monetary prizes donated by sponsors shall be awarded.

(i) Each winner of a prize at the "State Fair Grand Prize Drawing" shall be given a prize claim form to be completed and returned to the lottery. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-8-24-90, Aug. 17, 1990.)

**111-4-107. Security of Drawing.** (a) The receptacle or drum located at the Kansas Lottery building, into which drawing participants place their ticket entries shall be monitored from the commencement of ticket entries until completion of the event by a law enforcement officer approved by the Kansas lottery, division of security, and approved by the executive director.

(b) The actual "State Fair Drawing" events shall be recorded on both audio and video tape by the designated law enforcement officer. The audio and video tape shall contain no material other than the actual drawing beginning with the sealing of the receptacle or drum and continuing through the announcement and verification of the winner.

(c) The audio and video tape of the "State Fair Grand Prize Drawing" shall start with the placement of the names and addresses of each "State Fair Drawing" winner in a sealed envelope by the auditor. The tape shall contain no material other than the actual drawing beginning with the sealing of the receptacle or drum and continuing through the announcement and verification of the winner. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-9-7-88, Sept. 6, 1988; amended, T-111-8-18-89, Aug. 24, 1989; amended, T-111-9-8-89, Sept. 8, 1989; amended, T-111-8-24-90, Aug. 17, 1990.)

**111-4-108. Ticket Disqualification.** Any non-winning Kansas instant game lottery ticket entered into a "State Fair Drawing" is disqualified from any other Kansas lottery prize or drawing, except for drawings for prizes donated by sponsors and lottery promotional materials conducted immediately after a "State Fair Drawing," and the "State Fair Grand Prize Drawing." (Authorized by

and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-9-7-88, Sept. 6, 1988; amended, T-111-8-24-90, Aug. 17, 1990.)

**111-4-111. Certification of Drawing.** (a) All "State Fair Drawings" shall be personally observed by the law enforcement officer selected by the Kansas lottery, division of security, and an employee of the Kansas lottery.

(b) Should any of these individuals be unable to attend, the executive director shall designate a replacement.

(c) Upon completion of the drawing, the persons designated to officially observe the drawing shall issue a signed report to the executive director. This report shall certify that to the best of their knowledge, the procedures required by these rules were followed in selecting the winner at the "State Fair Drawing" and "State Fair Grand Prize Drawing." The winning ticket, all other tickets or envelopes used in the grand prize drawing placed in the receptacle or drum, the audio and video tape of the drawing, the prize claim form completed by the winner if he or she is present, and the signed affidavit shall be delivered to the Topeka lottery headquarters by a lottery employee attending the event. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-9-7-88, Sept. 6, 1988; amended, T-111-8-24-90, Aug. 17, 1990.)

**111-4-113. Payment of Prizes.** The executive director or his designee shall award the designated prize to each person whose ticket or envelope was drawn from the receptacle or drum at each drawing site as soon as possible after it has been determined that all laws, regulations, and rules have been followed. (Authorized by K.S.A. 1989 Supp. 74-8710(c); implementing K.S.A. 1989 Supp. 84-8710(c) and K.S.A. 1989 Supp. 74-8720(b); effective, T-111-9-7-88, Sept. 6, 1988; amended, T-111-8-24-90, Aug. 17, 1990.)

**111-4-114. Disputes.** In the event of a dispute concerning "State Fair Drawings," or "State Fair Grand Prize Drawing" the executive director shall determine the facts underlying the dispute. The executive director has the authority to settle any dispute by determining the holder of the ticket drawn at a "State Fair Drawing." The executive director has the authority to pay a prize to the person the executive director determines to be the holder of a valid ticket drawn at a "State Fair Drawing," or the person whose name was drawn at the "State Fair Grand Prize Drawing." If the executive director is unable to determine the holder of a ticket drawn at a "State Fair Drawing," the executive director may, solely at his or her discretion, reimburse the ticket holder for the prize of the disputed ticket. (Authorized by K.S.A. 1989 Supp. 74-8710(c); implementing K.S.A. 1989 Supp. 74-8710(c) and K.S.A. 1989 Supp. 74-8720(b); effective, T-111-9-7-88, Sept. 6, 1988; amended, T-111-8-24-90, Aug. 17, 1990.)

#### RULES FOR INSTANT GAME NO. 25 "HIGH ROLLER"

**111-4-225. Name of Game.** The Kansas Lottery shall conduct an instant winner lottery game entitled "High Roller" commencing on September 6, 1990. The specific rules for the "High Roller" are contained in K.A.R. 111-3-1 *et seq.* and 111-4-225 through 111-4-228. (Authorized

by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-8-24-90, Aug. 17, 1990.)

**111-4-226. Definitions.** The following definitions shall apply to the "High Roller" instant lottery game:

(a) "Play symbols" are the numbers, letters, symbols, or pictures printed in the play area of each instant game ticket and which determine if the ticket bearer is entitled to a prize. In this instant game, the play symbols are printed in black ink in 15 pt. Archer. A play symbol appears in each of six play spots within the play area. Each play symbol for this instant game is one of the following: 1 - 2 - 3 - 4 - 5 - 6.

(b) "Play symbol captions" are the words or portions of words printed beneath each play symbol in the play area and are used to repeat or explain the play symbol. The play symbol caption associated with each play symbol is as follows:

Play Symbol	Play Symbol Caption
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX

(c) "Ticket validation number" means a unique number appearing on each ticket which is used to validate winning tickets. For this instant game, the ticket validation number is a 10-digit number which appears on the front of each instant ticket and will be covered by latex.

(d) "Book-ticket number" means the unique number appearing on each ticket which includes the number of the book from which it was removed and the serially assigned number of the ticket within that book. For this instant game, the book-ticket number is an 8-digit book number followed by a dash and then a 3-digit ticket number. The ticket numbers in each book start with 000 and end with 299. The book-ticket number is printed in black ink on the bottom right portion of the front of each instant game ticket.

(e) "Retailer validation code" means the small letters found under removable covering in the play area of each instant game ticket. The retailer uses this code to verify and validate winners which are to be paid by the retailer. In this instant game, the retailer validation code is a two letter code printed and appearing in two of five varying locations among the play symbols. The codes and their meanings are as follows: AA = FREE TICKET; CC = \$1.00; DD = \$2.00; EE = \$3.00; JJ = \$4.00; KK = \$5.00; BB = \$10.00; NN = \$20.00. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-8-24-90, Aug. 17, 1990.)

**111-4-227. Determination of Instant Prize Winners.** An instant prize winner is determined for this instant game when the player removes or "scratches off" the removable layer of material covering the play area to reveal the six play symbols and captions. This is an "add up" dice game with each ticket containing three (3) separate "rolls" marked "ROLL 1," "ROLL 2" AND "ROLL 3." A solid line is imaged between ROLL 1 and 2, and between ROLL 2 and 3. Each "roll" has a separate prize box. The same prize amount will not appear in more than

two (2) "rolls" on a non-winning ticket. Totals in one "roll" relate to that "roll" only and not to either of the other two "rolls." If the number in the play area under any of the three "rolls" scratched off totals exactly seven or 11, the player wins the prize shown in the appropriate prize box. A player can win up to three times on a single ticket. (Authorized by K.S.A. 1989 Supp. 74-8710(b), (c) & (i); implementing K.S.A. 1989 Supp. 74-8710(b), (c) & (i) and 74-8720 (b) & (d); effective, T-111-8-24-90, Aug. 17, 1990.)

**111-4-228. Number and Value of Instant Prizes.** (a) There will be approximately 3,600,000 tickets ordered for this instant game. The expected number and value of the instant prizes are as follows:

Prizes	Expected Number of Prizes in Game	Expected Value in Game
FREE	420,000	0
\$1	120,000	\$ 120,000
\$2	72,000	144,000
\$3 (1+1+1)	48,000	144,000
\$4 (1+1+2)	12,000	48,000
\$5 (2+2+1)	12,000	60,000
\$10	12,000	120,000
\$20	12,000	240,000
\$50 (20+20+10)	12,000	600,000
\$50 (20+20+10)	720	36,000
\$1000	20	20,000
	720,740	\$1,532,000

(b) The executive director may terminate the sale of tickets prior to the complete sale of all tickets. In this event, the number and value of prizes will be approximately proportional to the number of tickets actually sold.

(c) All prizes are subject to deductions provided by law. (Authorized by K.S.A. 1989 Supp. 74-8710(b), (c) & (f); implementing 74-8710(b), (c) & (f); and 74-8720; effective, T-111-8-24-90, Aug. 17, 1990.)

#### Article 7.—CASH LOTTO GAME RULES

**111-7-4. Prize Pool; Reserve Pool.** (a) The prize pool in the lottery prize payment fund for all prize categories shall consist of forty-five per cent (45%) of sales for each draw. The Kansas lottery guarantees the jackpot prize for Cash Lotto shall be a minimum of Fifty Thousand Dollars (\$50,000.00).

(b) One-half of one percent (.5%) of the prize pool, included within the forty-five per cent (45%) of sales for prize winnings, shall be placed in a prize reserve pool. Moneys left over after the five (5) of six (6) and four (4) of six (6) prizes have been rounded down pursuant to K.A.R. 111-7-5(g) shall be applied to prizes in categories 2 and 3 in the next Cash Lotto drawing. The lottery may transfer funds from the prize reserve pool to the lottery prize payment fund. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-89-25, May 24, 1988; amended, T-111-6-1-88, June 1, 1988; amended, T-111-9-7-88, Sept. 7, 1988; amended, T-111-6-7-90, June 7, 1990; amended, T-111-8-24-90, Aug. 17, 1990.)

#### KENO

**111-7-44. Name of the Game; Rules and Regulations.** The Kansas lottery shall conduct a lotto game "KENO," beginning at 6:00 a.m., October 1, 1990. The

(continued)

specific rules for the "KENO" game are contained in K.A.R. 111-6-1 *et seq.* and 111-7-44 through 111-7-54. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-8-24-90, Aug. 17, 1990.)

**111-7-45. Definitions.** The following definitions shall apply to KENO.

(a) "Retailer" means a person or entity authorized by the Kansas lottery to sell lottery tickets.

(b) "Drawing" means the formal process of selecting winning numbers which determines the number of winners for each prize level of the game.

(c) "Quick pick" means the random selection by the computer system of eleven (11) different two-digit numbers from one (01) through sixty (60) which appear on a ticket and are played by a player in the game.

(d) "Game board" or "boards" means that area of the play slip which contains sixty (60) squares, numbered one (01) through sixty (60).

(e) "Game ticket" or "ticket" means a computer generated ticket issued by an on-line terminal to a person as a receipt for the combination a person has selected.

(f) "KENO" means a lottery game wherein a player selects a group of eleven (11) numbers out of a set of numbers one (01) through sixty (60). A player wins a prize if zero (0), seven (7), eight (8), nine (9), ten (10), or eleven (11) of the numbers selected by the player match the twenty (20) randomly drawn numbers in the drawings conducted by the Kansas lottery on the day of the drawing.

(g) "Lottery" means the Kansas lottery.

(h) "Play" means the eleven (11) different numbers from one (01) through sixty (60) which appear on a ticket to be played by a player in the game.

(i) "Play slip" means a card used in marking a player's game plays and contains one board.

(j) "Price" means the cost of playing the KENO game which shall be one dollar (\$1.00) for playing one (1) board.

(k) "Terminal" means a device which is authorized by the lottery to function in on-line, interactive mode with the lottery's computer system, for the purpose of issuing lottery tickets and entering, receiving, and processing lottery transactions, including purchases, validating tickets and transmitting reports.

(l) "Winning numbers" mean the twenty (20) numbers between one (1) and sixty (60), randomly selected at each drawing, which shall be used to determine winning plays contained on a game ticket.

(m) "Validation" or "validate" means the process of determining whether a ticket presented for a prize is a winning ticket.

(n) "Executive director" means the executive director or the person designated by the executive director. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-8-24-90, Aug. 17, 1990.)

**111-7-46. Game Description; Retail Sale of Tickets.**

(a) KENO is a two-times-a-week eleven (11) of twenty (20) of sixty (60) lottery game which pays prizes for correctly picking eleven (11) of twenty (20) numbers drawn from a field of sixty (60) numbers with a jackpot prize of fifty thousand dollars (\$50,000.00) and prizes of two thousand dollars (\$2,000) for matching ten (10) winning numbers, two hundred dollars (\$200.00) for matching nine (9)

winning numbers correctly, twenty dollars (\$20) for matching eight (8) winning numbers, five dollars (\$5) for matching seven (7) winning numbers, and ten dollars (\$10) for picking zero (0) winning numbers, subject to the limitations of K.A.R. 111-7-48(d) and (e).

(b) To play KENO, a player shall select a set of eleven (11) different numbers between one (01) and sixty (60), for input into a terminal. Tickets may be purchased from any retailer operating an on-line terminal. When purchased from a retailer, the player may select a set of numbers by: (1) by marking a play slip with eleven (11) numbers and submitting the play slip to the retailer; or (2) requesting a quick pick from the retailer.

The retailer will then issue a ticket from the terminal containing the selected set of numbers, constituting a game play. Should a player submit a play slip on which the play slip is marked to indicate number selections and the play slip also indicates quick pick, the system shall follow the player's indicated number selections as marked on the play slip.

(c) A validated ticket shall be the only proof of a game play or plays, and the submission of a winning ticket to the Lottery or its authorized retailer shall be the sole method of claiming a prize or prizes. A play slip has no pecuniary or prize value and shall not constitute evidence of ticket purchase or of numbers selected.

(d) A ticket may not be voided or cancelled by returning the ticket to the selling retailer, including a ticket that is printed in error.

(e) Drawings will be conducted two times a week, on Wednesdays and Saturdays between 8:15 p.m. and 9:00 p.m. central time (CT) pursuant to K.A.R. 111-7-44 through 111-7-54; with sales to be suspended between 7:59 p.m. and 8:15 p.m. on draw days; after the auditor has verified that the game is closed; under conditions and procedures promulgated by the executive director of the lottery.

(f) It shall be the sole responsibility of the player to verify the accuracy of the game plays and other data printed on the ticket. The placing of plays is done at the player's own risk through the on-line retailer who is acting on behalf of the player in entering the plays. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-8-24-90, Aug. 17, 1990.)

**111-7-47. Prize Pool; Reserve Account.** (a) The prize pool in the lottery prize payment fund for all prize categories shall consist of forty-five per cent (45%) of sales for each draw, less sums paid into the prize reserve account set forth in subsection (b).

(b) The prize reserve account shall be funded at the rate of six and 25/100 per cent (6.25%) of sales. That rate amounts to thirteen and 88/100 per cent (13.88%) of forty-five per cent (45%) of sales referred to in paragraph (a). The lottery may transfer funds from the prize pool and expired prize accounts to the prize reserve account. Funds from the prize reserve account may be transferred to the lottery prize payment fund as determined by the executive director. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-8-24-90, Aug. 17, 1990.)

**111-7-48. Prizes.** (a) Prizes shall be awarded for

matching 0, 7, 8, 9, 10 or 11 winning numbers. Prize categories are as follows:

PRIZE CATEGORY NUMBER	TICKETS CONTAINING NUMBER OF MATCHES IN ONE GAME PLAY	PER CENT OF PRIZE POOL ALLOCATED TO PRIZE CATEGORY	MAXIMUM PRIZE AMOUNT
1.	Any eleven (11) winning numbers	Approx. 5.45%	\$50,000
2.	Any ten (10) winning numbers	Approx. 9.58%	\$ 2,000
3.	Any nine (9) winning numbers	Approx. 16.99%	\$ 200
4.	Any eight (8) winning numbers	Approx. 16.14%	\$ 20
5.	Any seven (7) winning numbers	Approx. 22.97%	\$ 5
6.	Zero (0) winning numbers	Approx. 14.99%	\$ 10

(b) The jackpot prize for matching eleven (11) winning numbers shall be not less than fifty thousand dollars (\$50,000) for each draw. On any draw, if the jackpot is hit and the jackpot pool is insufficient to match the \$50,000.00 guarantee, the Lottery will utilize prize reserve funds to fund the guaranteed \$50,000.00 jackpot.

(c) All prizes shall be paid in a lump sum.

(d) The prize money allocated to the jackpot prize category (Prize Category No. 1) for matching eleven (11) winning numbers shall be divided equally by the holders of game tickets winning the jackpot prize as determined by the executive director.

(e) The prize money allocated to prize category numbers two (2) through six (6) shall be paid in the amount stated in subsection (a) except in situations wherein the number of winners in a category or categories results in a prize liability in excess of the per cent of the prize pool allocated for that category. In the event the amount of prize money available on any draw for pay-out in a category is insufficient to pay the stated amount to all holders of winning tickets in that category, and the prize pool for category numbers one (1) through six (6) is sufficient to pay those prizes, any remaining money in these categories may be applied to any category in which there is insufficient money to pay the stated amounts. If an amount is to be paid into a category or categories due to insufficient amounts in the prize pool, money in the prize reserve pool shall be available to pay the amounts stated in the prize categories in subsection (a). Upon reaching a minimum of \$116,000, money available in the prize reserve pool shall not be drawn down below that amount for any drawing unless determined to be in the best interests of the Lottery by the executive director. The specific amount to be paid, if less than the amounts reflected in subsection (a), shall be determined by the executive director.

(f) The calculation of a prize shall be rounded down so that prizes can be paid in multiples of whole dollars. Moneys left over after payment of prizes in categories one through six following each drawing shall be placed in the prize reserve pool. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-8-24-90, Aug. 17, 1990.)

**111-7-49. Probability of Winning.** (a) The following table sets forth the probability of winning and the probable distribution of winners in and among each prize category, based upon the total number of possible combinations of eleven (11) of twenty (20) numbers drawn from a field of sixty (60) numbers when playing the required one (1) board for one dollar (\$1.00).

PRIZE CATEGORIES AND ODDS OF WINNING ON EACH \$1.00 TICKET

PRIZE CATEGORY	MATCH	PROBABILITY OF WINNING	PROBABILITY DISTRIBUTION OF WINNERS	MAXIMUM PRIZE AMOUNT
1	11	1:2,040,367.50	1.00	\$50,000.00
2	10	1:46,371.99	44.00	2,000.00
3	9	1:2,615.86	780.00	200.00
4	8	1:275.35	7,410.09	20.00
5	7	1:48.37	42,180.00	5.00
6	0	1:148.24	13,763.95	10.00

(Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-8-24-90, Aug. 17, 1990.)

**111-7-50. Prize Payment.** (a) Jackpot prizes and all prize categories two (2) through six (6) shall be paid in one lump sum.

(b) The lottery may begin processing payment of cash prizes on Thursdays and Sundays following the KENO drawings as authorized by the Kansas lottery.

(c) If the jackpot prize is not won in any drawing, the prize money allocated for the jackpot prize shall not be added to the jackpot prize for the following drawing.

(d) The holder of a winning ticket may win in only one prize category per board in connection with the winning numbers drawn, and shall be entitled only to the highest prize won by those numbers.

(e) Prizes shall be claimed within 365 days from the date of the drawing for which the ticket was purchased.

At the conclusion of the prize claim period, all unclaimed prizes shall remain in the lottery's prize payment fund to be used for the payment of other prizes. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-8-24-90, Aug. 17, 1990.)

**111-7-51. Ticket Validation.** To be a valid ticket and eligible to receive a prize, a KENO ticket shall satisfy all the requirements established by the Kansas lottery for validation of winning tickets. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-8-24-90, Aug. 17, 1990.)

**111-7-52. Claiming Prizes; Procedure and Time Period.** (a) Prior to the payment of any prize, each ticket shall be validated by the retailer or lottery office pursuant to this article.

(b) The procedure for payment of a "KENO" prize on any single game ticket, except for prizes of more than \$599.99, is as follows:

(1) The claimant holding a winning ticket purchased in Kansas may present the ticket to any on-line retailer. Upon validation of the ticket, the retailer shall make payment of the prize to the claimant during normal business hours of the retailer, but in no event shall payment be delayed more than 24 hours from the time the claim is presented. If the retailer cannot validate the claim, the claimant shall fill out a claim form provided by the retailer and personally present or mail the completed form together with the ticket to any office of the Kansas lottery. If the claim is validated, payment shall be made to the claimant by mail.

(2) The claimant may bring the signed ticket to any regional office of the Kansas lottery during the hours that the office is open to the public for business. Upon validation of the claim, and completion of a claim form, payment shall be processed for the claimant.

(continued)

(3) The claimant may mail the ticket with a completed claim form, in any envelope, except an official grand prize envelope, to any office of the Kansas lottery. Claim forms may be obtained from any lottery retailer or any office of the Kansas lottery. Upon validation of the claim, payment shall be processed for the claimant.

If any evidence of alteration, mutilation, tear, or other ambiguity appear on the ticket, the retailer shall not make direct payment of a prize. The claimant shall submit a claim form with the ticket to the lottery.

(c) The procedure for payment of prizes of \$600 or more, except for a jackpot prize, is as follows:

(1) The claimant may bring the signed ticket to any regional office of the Kansas lottery during the hours that the office is open to the public for business. Upon validation of the claim, and completion of a claim form, payment shall be processed for the claimant.

(2) The claimant may mail the ticket with a completed claim form in any envelope, except an official grand prize envelope, to any office of the Kansas lottery. Claim forms may be obtained from any lottery retailer or any office of the Kansas lottery. Upon validation of the claim, payment shall be processed for the claimant.

(d) The procedure for the payment of a jackpot prize is as follows:

The claimant shall personally submit the signed ticket and a completed claim form to a Kansas regional or state lottery office. Jackpot prizes shall not be claimed by mail.

(e) All prizes shall be claimed within 365 days of the drawing in which the prize was won. Any prize or prizes not claimed within the time specified shall be forfeited. If a prize is claimed by mail, the ticket and claim form must actually be received by the lottery within the claim period. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710 and 74-8720; effective, T-111-8-24-90, Aug. 17, 1990.)

**111-7-53. Ticket Responsibility.** (a) The natural person who is adjudged by the executive director, or the retailer paying the prize, to be the holder of the winning

ticket is the only person entitled to any prize attributable to the ticket, subject to all validation requirements, except that the prize of a deceased winner shall be paid to the duly appointed representative of the estate, or as required by law. The holder of the winning ticket shall sign his or her name on the back of the ticket. Should a dispute arise concerning the identity of the legal holder of the winning ticket which cannot be resolved by the executive director, the claim will be handled pursuant to K.A.R. 111-6-14.

(b) The Kansas lottery shall not be responsible for lost or stolen tickets, or for alleged winning tickets thrown away by mistake. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710 and 74-8720; effective, T-111-8-24-90, Aug. 17, 1990.)

**111-7-54. Multi-Draw.** (a) In addition to a single play for a \$1.00, a player may also have his or her selections entered in multiple drawings. Multi-draw tickets must be purchased for consecutive drawings beginning with the next drawing. This is done by marking one of the multi-draw boxes designated by the number two, three or four on the play slip. The additional draw period(s) for which the ticket is valid will then appear on the computer generated ticket given to the player by the retailer.

(b) A player must pay an additional \$1.00 per play for each additional drawing in which he or she wishes to play.

(c) Unless one of the multi-draw boxes is marked and the additional amount paid, the play will only be eligible for the current drawing up to 7:59 p.m. the day of the drawing.

(d) A player may purchase only the same numbers on the board for multiple drawings. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-8-24-90, Aug. 17, 1990.)

Gerald F. Simpson  
Executive Director

Doc. No. 009712

## INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. This cumulative index supplements the index found in the 1990 Index Supplement to the *Kansas Administrative Regulations*.

### AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-9-5	Amended	V. 9, p. 837
1-16-8	Amended	V. 9, p. 379
1-16-18	Amended	V. 9, p. 1281
1-16-18	Amended	V. 9, p. 1347
1-16-18a	Amended	V. 9, p. 838
1-18-1a	Amended	V. 9, p. 329
1-18-1a	Amended	V. 9, p. 380

### AGENCY 4: BOARD OF AGRICULTURE

Reg. No.	Action	Register
4-7-510	Amended	V. 9, p. 189
4-7-511	New	V. 9, p. 189
4-7-512	New	V. 9, p. 189
4-7-513	New	V. 9, p. 190
4-7-802	Amended	V. 9, p. 1076
4-13-4	Amended	V. 9, p. 190
4-13-4a	New	V. 9, p. 190
4-13-5	Amended	V. 9, p. 191
4-13-8	Amended	V. 9, p. 191
4-13-15	Amended	V. 9, p. 578
4-13-26	New	V. 9, p. 191
4-13-27	New	V. 9, p. 191
4-20-3	Amended	V. 9, p. 191
4-20-5	Amended	V. 9, p. 192
4-20-6	Amended	V. 9, p. 192
4-20-7	New	V. 9, p. 192
4-20-8	New	V. 9, p. 192
4-20-11	New	V. 9, p. 192
4-20-12	New	V. 9, p. 192
4-20-13	New	V. 9, p. 192
4-20-14	New	V. 9, p. 193

### AGENCY 5: BOARD OF AGRICULTURE—DIVISION OF WATER RESOURCES

Reg. No.	Action	Register
5-22-1	Amended	V. 9, p. 1302
5-22-2	Amended	V. 9, p. 1302
5-22-4	Amended	V. 9, p. 1302

5-22-5	Amended	V. 9, p. 1303
5-22-7	Amended	V. 9, p. 1303
5-22-8	New	V. 9, p. 1303
5-22-9	New	V. 9, p. 1303
5-23-3	Amended	V. 9, p. 193

### AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-23-4	Amended	V. 9, p. 1194
7-29-1	Amended	V. 9, p. 989
7-29-1	Amended	V. 9, p. 1074

### AGENCY 9: ANIMAL HEALTH DEPARTMENT

Reg. No.	Action	Register
9-2-1	Amended	V. 9, p. 328
9-13-4	New	V. 9, p. 624

### AGENCY 11: STATE CONSERVATION COMMISSION

Reg. No.	Action	Register
11-7-1 through 11-7-10	New	V. 9, p. 506, 507

### AGENCY 14: DEPARTMENT OF REVENUE—DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Reg. No.	Action	Register
14-5-4	Amended	V. 9, p. 989
14-6-1	Amended	V. 9, p. 989



14-6-4	Amended	V. 9, p. 990
14-7-4	Amended	V. 9, p. 990
14-10-5	Amended	V. 9, p. 990
14-13-1	Amended	V. 9, p. 991
14-13-2	Amended	V. 9, p. 992
14-13-4	Amended	V. 9, p. 992
14-13-9	Amended	V. 9, p. 993
14-13-11	Amended	V. 9, p. 994
14-14-7	Amended	V. 9, p. 994
14-14-14	New	V. 9, p. 995
14-17-6	New	V. 9, p. 750
14-19-14	Amended	V. 9, p. 995
14-19-17	Amended	V. 9, p. 996
14-20-14	Amended	V. 9, p. 996
14-20-17	Amended	V. 9, p. 997
14-21-1	Amended	V. 9, p. 997
14-21-4	Amended	V. 9, p. 998
14-21-6	Amended	V. 9, p. 998
14-22-1	Amended	V. 9, p. 999
14-22-4	Amended	V. 9, p. 1000
14-22-12	Amended	V. 9, p. 1000
14-23-14	Revoked	V. 9, p. 1000

## AGENCY 22: STATE FIRE MARSHAL

Reg. No.	Action	Register
22-1-1	Amended	V. 9, p. 1167
22-3-2	Amended	V. 9, p. 1168
22-4-1	Amended	V. 9, p. 1168
22-4-4	New	V. 9, p. 1168
22-7-1	Amended	V. 9, p. 1168
22-7-2	Amended	V. 9, p. 1168
22-7-3	Amended	V. 9, p. 1168
22-8-1	Amended	V. 9, p. 1168
22-10-3	Amended	V. 9, p. 1168
22-10-17	Amended	V. 9, p. 1170
22-11-6	Amended	V. 9, p. 1170
22-11-8	Amended	V. 9, p. 1170
22-15-7	Amended	V. 9, p. 1171
22-18-3	New	V. 9, p. 1172
22-20-1	Amended	V. 9, p. 1172

## AGENCY 23: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
23-1-8	Revoked	V. 9, p. 704
23-1-12	Revoked	V. 9, p. 386
23-2-5	Revoked	V. 9, p. 704
23-2-7	Revoked	V. 9, p. 386
23-2-12	Revoked	V. 9, p. 704
23-2-14	Revoked	V. 9, p. 386
23-2-15	Revoked	V. 9, p. 386
23-2-16	Revoked	V. 9, p. 386
23-2-17	Revoked	V. 9, p. 1133
23-2-18	Revoked	V. 9, p. 704
23-2-19	Revoked	V. 9, p. 704
23-3-9	Revoked	V. 9, p. 1133
23-3-13	Revoked	V. 9, p. 1134
23-5-1	through	
23-5-8	Revoked	V. 9, p. 386
23-6-1	Revoked	V. 9, p. 1134
23-6-6	Revoked	V. 9, p. 167
23-6-7	Revoked	V. 9, p. 1134
23-7-5	Revoked	V. 9, p. 167
23-7-7	Revoked	V. 9, p. 167
23-8-11	Revoked	V. 9, p. 1134
23-11-3	Revoked	V. 9, p. 1344
23-11-4	Revoked	V. 9, p. 1344
23-11-6	Revoked	V. 9, p. 1344
23-11-7	Revoked	V. 9, p. 1344
23-11-8	Revoked	V. 9, p. 1344
23-11-9	Revoked	V. 9, p. 1344
23-11-12	Revoked	V. 9, p. 1344
23-11-13	Revoked	V. 9, p. 1344
23-11-16	Revoked	V. 9, p. 1344
23-11-17	Revoked	V. 9, p. 1344
23-15-1	Revoked	V. 9, p. 1134

## AGENCY 25: STATE GRAIN INSPECTION DEPARTMENT

Reg. No.	Action	Register
25-4-1	Amended	V. 9, p. 1342
25-4-4	Amended	V. 9, p. 1343

## AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-4-113	through	
28-4-118	Amended	V. 9, p. 36-40
28-4-119b	Amended	V. 9, p. 40
28-4-120	Amended	V. 9, p. 40
28-4-124	through	
28-4-132	Amended	V. 9, p. 40-43
28-4-350	Amended	V. 9, p. 44
28-4-442	Amended	V. 9, p. 44
28-17-1	Amended	V. 9, p. 1340
28-17-3	Revoked	V. 9, p. 1340
28-17-4	Revoked	V. 9, p. 1340
28-17-5	Amended	V. 9, p. 1340
28-17-7	Revoked	V. 9, p. 1340
28-17-12	Amended	V. 9, p. 1340
28-17-15	Amended	V. 9, p. 1340
28-17-19	Amended	V. 9, p. 1340
28-17-20	Amended	V. 9, p. 1340
28-38-17	Revoked	V. 9, p. 1195
28-38-18	through	
28-38-23	Amended	V. 9, p. 1195, 1196
28-38-24	Revoked	V. 9, p. 1196
28-38-25	Revoked	V. 9, p. 1196
28-38-26	Amended	V. 9, p. 1196
28-38-28	Amended	V. 9, p. 1197
28-39-81	Amended	V. 9, p. 1023
28-51-108	Amended	V. 9, p. 123

## AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-2-16	Amended	V. 9, p. 1250
30-4-63	Amended	V. 9, p. 1250
30-4-63	Revoked	V. 9, p. 1280
30-4-64	Amended	V. 9, p. 1252
30-4-64	Revoked	V. 9, p. 1280
30-4-73	Amended	V. 9, p. 1253
30-4-85a	Amended	V. 9, p. 194
30-4-96	Amended	V. 9, p. 194
30-4-101	Amended	V. 9, p. 450
30-4-102	Amended	V. 9, p. 450
30-4-112	Amended	V. 9, p. 1254
30-4-112	Revoked	V. 9, p. 1280
30-4-120	Amended	V. 9, p. 1254
30-4-120	Revoked	V. 9, p. 1280
30-5-58	Amended	V. 9, p. 940
30-5-59	Amended	V. 9, p. 455
30-5-60	Amended	V. 9, p. 940
30-5-62	Amended	V. 9, p. 457
30-5-65	Amended	V. 9, p. 940
30-5-67	Amended	V. 9, p. 457
30-5-68	Amended	V. 9, p. 940
30-5-70	Amended	V. 9, p. 457
30-5-71	Amended	V. 9, p. 940
30-5-73	Amended	V. 9, p. 459
30-5-81	Amended	V. 9, p. 940
30-5-81a	Amended	V. 9, p. 459
30-5-81b	Amended	V. 9, p. 940
30-5-82	Amended	V. 9, p. 459
30-5-86	Amended	V. 9, p. 940
30-5-87	Amended	V. 9, p. 987
30-5-88	Amended	V. 9, p. 941
30-5-89	Amended	V. 9, p. 118
30-5-90	Revoked	V. 9, p. 941
30-5-92	Amended	V. 9, p. 941
30-5-94	Amended	V. 9, p. 460
30-5-100	Amended	V. 9, p. 941
30-5-101	Amended	V. 9, p. 119
30-5-103	Amended	V. 9, p. 119
30-5-104	Amended	V. 9, p. 941
30-5-110	Amended	V. 9, p. 941
30-5-111	Amended	V. 9, p. 460
30-5-112	Amended	V. 9, p. 461
30-5-113	Amended	V. 9, p. 941
30-5-113a	Amended	V. 9, p. 941
30-5-114	Amended	V. 9, p. 461
30-5-115	Amended	V. 9, p. 941
30-5-116	Amended	V. 9, p. 941
30-5-117	New	V. 9, p. 941
30-5-117a	New	V. 9, p. 942
30-5-150	New	V. 9, p. 461
30-5-151	New	V. 9, p. 462

30-5-152	New	V. 9, p. 462
30-5-154	through	
30-5-172	New	V. 9, p. 462-464
30-6-35	Amended	V. 9, p. 1255
30-6-35	Revoked	V. 9, p. 1280
30-6-38	Amended	V. 9, p. 1256
30-6-38	Revoked	V. 9, p. 1280
30-6-41	Amended	V. 9, p. 195
30-6-53	Amended	V. 9, p. 1256
30-6-53	Revoked	V. 9, p. 1280
30-6-65	Amended	V. 9, p. 1257
30-6-65	Revoked	V. 9, p. 1280
30-6-74	Amended	V. 9, p. 195
30-6-77	Amended	V. 9, p. 1258
30-6-77	Revoked	V. 9, p. 1280
30-6-79	Amended	V. 9, p. 195
30-6-87	New	V. 9, p. 1259
30-6-87	Revoked	V. 9, p. 1280
30-6-103	Amended	V. 9, p. 1259
30-6-103	Revoked	V. 9, p. 1280
30-6-106	Amended	V. 9, p. 195
30-6-107	Amended	V. 9, p. 1259
30-6-107	Revoked	V. 9, p. 1281
30-6-108	Amended	V. 9, p. 1260
30-6-108	Revoked	V. 9, p. 1281
30-6-109	Amended	V. 9, p. 1260
30-6-109	Revoked	V. 9, p. 1281
30-6-111	Amended	V. 9, p. 197
30-6-112	Amended	V. 9, p. 1261
30-6-112	Revoked	V. 9, p. 1281
30-7-79	New	V. 9, p. 942
30-10-21	Amended	V. 9, p. 546
30-22-33	New	V. 9, p. 942
30-51-1	through	
30-51-5	Revoked	V. 9, p. 198

## AGENCY 33: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
33-1-21	Revoked	V. 9, p. 167
33-3-2	Revoked	V. 9, p. 386
33-3-4	Revoked	V. 9, p. 386

## AGENCY 36: DEPARTMENT OF TRANSPORTATION

Reg. No.	Action	Register
36-15-23	Amended	V. 9, p. 1023
36-26-1	Amended	V. 9, p. 1023

## AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-3-35	Amended	V. 9, p. 1304
40-4-35a	Amended	V. 9, p. 30
40-4-35a	Amended	V. 9, p. 303
40-4-39	New	V. 9, p. 303
40-7-11	Amended	V. 9, p. 304
40-7-20a	Amended	V. 9, p. 1305
40-7-22	through	
40-7-25	New	V. 9, p. 304
40-10-2	Amended	V. 9, p. 985
40-14-1	Amended	V. 9, p. 304
40-14-4	Amended	V. 9, p. 304

## AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-7-114	New	V. 9, p. 577
44-8-115	New	V. 9, p. 577
44-8-116	New	V. 9, p. 577
44-9-103	Amended	V. 9, p. 123
44-9-104	Amended	V. 9, p. 123
44-11-111	Amended	V. 9, p. 950
44-11-112	Amended	V. 9, p. 80
44-11-113	Amended	V. 9, p. 80
44-11-114	Amended	V. 9, p. 80
44-11-116	Revoked	V. 9, p. 81
44-11-121	Amended	V. 9, p. 81
44-11-122	Amended	V. 9, p. 81
44-11-123	Amended	V. 9, p. 950
44-11-126	Revoked	V. 9, p. 81
44-11-128	Revoked	V. 9, p. 81

(continued)

44-11-129 through  
44-11-135 New V. 9, p. 81, 82

**AGENCY 49: DEPARTMENT OF HUMAN RESOURCES**

Reg. No. Action Register  
49-49-1 Amended V. 9, p. 706

**AGENCY 50: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF EMPLOYMENT**

Reg. No. Action Register  
50-2-21 Amended V. 9, p. 704

**AGENCY 60: BOARD OF NURSING**

Reg. No. Action Register  
60-11-104a Amended V. 9, p. 406  
60-11-108 Amended V. 9, p. 988

**AGENCY 63: BOARD OF MORTUARY ARTS**

Reg. No. Action Register  
63-1-3 Amended V. 9, p. 170  
63-1-4 Amended V. 9, p. 170

**AGENCY 66: BOARD OF TECHNICAL PROFESSIONS**

Reg. No. Action Register  
66-10-9 Amended V. 9, p. 257

**AGENCY 67: BOARD OF HEARING AID EXAMINERS**

Reg. No. Action Register  
67-5-3 Amended V. 9, p. 625  
67-5-4 Amended V. 9, p. 625

**AGENCY 68: BOARD OF PHARMACY**

Reg. No. Action Register  
68-1-1b Amended V. 9, p. 383  
68-2-12a Amended V. 9, p. 383  
68-9-1 Amended V. 9, p. 384  
68-20-20 Amended V. 9, p. 384

**AGENCY 74: BOARD OF ACCOUNTANCY**

Reg. No. Action Register  
74-5-406 Amended V. 9, p. 1282  
74-13-1 New V. 9, p. 232  
74-13-2 New V. 9, p. 232

**AGENCY 75: CONSUMER CREDIT COMMISSIONER**

Reg. No. Action Register  
75-6-11 Amended V. 9, p. 988  
75-6-24 Amended V. 9, p. 893  
75-6-26 Amended V. 9, p. 625

**AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER**

Reg. No. Action Register  
81-3-2 Amended V. 9, p. 83  
81-5-6 Amended V. 9, p. 83

**AGENCY 82: STATE CORPORATION COMMISSION**

Reg. No. Action Register  
82-1-201 Amended V. 9, p. 894  
82-1-202 Amended V. 9, p. 895  
82-1-204 Amended V. 9, p. 895  
82-1-205 Amended V. 9, p. 896  
82-1-206 Amended V. 9, p. 896  
82-1-207 Amended V. 9, p. 896  
82-11-3 Amended V. 9, p. 298  
82-11-4 Amended V. 9, p. 298  
82-11-10 New V. 9, p. 302

**AGENCY 84: PUBLIC EMPLOYEES RELATIONS BOARD**

Reg. No. Action Register  
84-1-1 Amended V. 9, p. 943  
84-1-2 Amended V. 9, p. 943  
84-1-3 New V. 9, p. 943  
84-1-4 New V. 9, p. 943  
84-2-1 through 84-2-7 Amended V. 9, p. 943-945  
84-2-9 Amended V. 9, p. 945  
84-2-11 through 84-2-15 Amended V. 9, p. 945-947

84-3-1 through 84-3-6 Amended V. 9, p. 948  
84-4-1 through 84-4-5 Amended V. 9, p. 948, 949  
84-4-7 Amended V. 9, p. 949  
84-5-1 Amended V. 9, p. 950

**AGENCY 86: REAL ESTATE COMMISSION**

Reg. No. Action Register  
86-1-10 Amended V. 9, p. 835

**AGENCY 88: BOARD OF REGENTS**

Reg. No. Action Register  
88-20-1 through 88-20-11 New V. 9, p. 165-167

**AGENCY 91: DEPARTMENT OF EDUCATION**

Reg. No. Action Register  
91-1-27b Amended V. 9, p. 1099  
91-1-27c New V. 9, p. 1099  
91-1-58 Amended V. 9, p. 1099  
91-1-80 Amended V. 9, p. 1100  
91-1-82 Amended V. 9, p. 1100  
91-1-101 Revoked V. 9, p. 1101  
91-1-106a through 91-1-106m New V. 9, p. 1101-1103  
91-1-110 Revoked V. 9, p. 1103  
91-1-123a New V. 9, p. 1103  
91-1-132a Amended V. 9, p. 1103

**AGENCY 92: DEPARTMENT OF REVENUE**

Reg. No. Action Register  
92-23-40 Amended V. 9, p. 1076

**AGENCY 100: BOARD OF HEALING ARTS**

Reg. No. Action Register  
100-49-4 Amended V. 9, p. 108  
100-49-4 Amended V. 9, p. 257

**AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD**

Reg. No. Action Register  
102-1-13 Amended V. 9, p. 624  
102-4-10 New V. 9, p. 1024

**AGENCY 109: EMERGENCY MEDICAL SERVICES BOARD**

Reg. No. Action Register  
109-2-5 Amended V. 9, p. 1076  
109-2-7 Amended V. 9, p. 1077  
109-8-1 Amended V. 9, p. 1077  
109-9-1 Amended V. 9, p. 1077  
109-10-1 Amended V. 9, p. 1078  
109-12-1 Amended V. 9, p. 1078

**AGENCY 110: DEPARTMENT OF COMMERCE**

Reg. No. Action Register  
110-4-1 through 110-4-8 New V. 9, p. 1282-1284

**AGENCY 111: THE KANSAS LOTTERY**

Reg. No. Action Register  
111-1-2 Amended V. 7, p. 1190  
111-2-2a New V. 9, p. 199  
111-1-5 Amended V. 8, p. 586  
111-2-1 Amended V. 7, p. 1995  
111-2-6 New V. 8, p. 134  
111-2-7 Amended V. 8, p. 586  
111-2-13 New V. 8, p. 1666  
111-2-14 New V. 9, p. 30  
111-3-1 Amended V. 9, p. 199  
111-3-9 Amended V. 8, p. 1085  
111-3-10 through 111-3-31 New V. 7, p. 201-206  
111-3-11 Amended V. 8, p. 299  
111-3-12 Amended V. 9, p. 503  
111-3-13 Amended V. 7, p. 1062  
111-3-14 Amended V. 9, p. 697  
111-3-16 Amended V. 7, p. 1309

111-3-19 through 111-3-22 Amended V. 9, p. 30  
111-3-20 Amended V. 8, p. 1085  
111-3-21 Amended V. 7, p. 1606  
111-3-22 Amended V. 8, p. 1085  
111-3-25 New V. 7, p. 1310  
111-3-27 New V. 7, p. 1310  
111-3-31 Amended V. 8, p. 209  
111-3-32 New V. 7, p. 931  
111-3-33 New V. 7, p. 1434  
111-4-1 Amended V. 8, p. 134  
111-4-2 Amended V. 7, p. 1063  
111-4-4 Amended V. 7, p. 1063  
111-4-6 Amended V. 7, p. 1434  
111-4-7 Amended V. 7, p. 1945  
111-4-8 Amended V. 7, p. 1064  
111-4-12 Amended V. 7, p. 1190  
111-4-66 through 111-4-77 New V. 7, p. 207-209  
111-4-96 through 111-4-114 New V. 7, p. 1606-1610  
111-4-100 Amended V. 8, p. 1396  
111-4-101 Amended V. 8, p. 1328  
111-4-102 Amended V. 8, p. 1396  
111-4-104 Amended V. 8, p. 1396  
111-4-105 Amended V. 8, p. 1396  
111-4-107 Amended V. 8, p. 1397  
111-4-153 through 111-4-160 New V. 8, p. 970, 971  
111-4-160 Amended V. 8, p. 1329  
111-4-177 through 111-4-180 New V. 8, p. 1086, 1087  
111-4-181 through 111-4-184 New V. 8, p. 1329  
111-4-185 through 111-4-196 New V. 8, p. 1518-1520  
111-4-196 through 111-4-203 New V. 9, p. 32-34  
111-4-201 Amended V. 9, p. 232  
111-4-205 New V. 9, p. 504  
111-4-206 New V. 9, p. 504  
111-4-207 New V. 9, p. 504  
111-4-208 New V. 9, p. 504  
111-4-209 New V. 9, p. 698  
111-4-210 New V. 9, p. 698  
111-4-211 New V. 9, p. 699  
111-4-212 New V. 9, p. 699  
111-4-213 through 111-4-220 New V. 9, p. 728, 729  
111-4-217 Amended V. 9, p. 986  
111-4-221 through 111-4-224 New V. 9, p. 1197  
111-5-1 through 111-5-23 New V. 7, p. 209-213  
111-5-9 through 111-5-15 Amended V. 8, p. 210, 211  
111-5-11 Amended V. 9, p. 505  
111-5-17 Amended V. 8, p. 211  
111-5-19 Amended V. 8, p. 212  
111-6-1 through 111-6-15 New V. 7, p. 213-217  
111-6-1 Amended V. 8, p. 212  
111-6-3 Amended V. 9, p. 200  
111-6-6 Amended V. 9, p. 200  
111-6-12 Amended V. 8, p. 212  
111-6-13 Amended V. 8, p. 299  
111-6-17 New V. 7, p. 1191  
111-7-1 through 111-7-10 New V. 7, p. 1192, 1193  
111-7-1 Amended V. 8, p. 212  
111-7-3 Amended V. 9, p. 986  
111-7-4 Amended V. 9, p. 986



111-7-5	Amended	V. 9, p. 986
111-7-6	Amended	V. 9, p. 987
111-7-11	Amended	V. 9, p. 987
111-7-12		
through		
111-7-32	New	V. 7, p. 1194-1196
111-7-33		
through		
111-7-43	New	V. 7, p. 1197, 1198
111-7-33a	New	V. 8, p. 300
111-8-1	New	V. 7, p. 1633
111-8-2	New	V. 7, p. 1633
111-8-3	Amended	V. 9, p. 505
111-8-4	New	V. 7, p. 1714
111-8-4a	New	V. 7, p. 1995
111-8-5		
through		
111-8-13	New	V. 7, p. 1634
111-9-1		
through		
111-9-12	New	V. 7, p. 1714-1716
111-9-13		
through		
111-9-18	New	V. 8, p. 300, 301
111-9-25		
through		
111-9-30	New	V. 9, p. 699, 700
111-10-1		
through		
111-10-9	New	V. 8, p. 136-138
111-10-7	Amended	V. 8, p. 301

**AGENCY 112: KANSAS RACING  
COMMISSION**

Reg. No.	Action	Register
112-3-16	Amended	V. 9, p. 153
112-3-19	Amended	V. 9, p. 153
112-5-1	Amended	V. 9, p. 153
112-5-2	Amended	V. 9, p. 154
112-5-3	Amended	V. 9, p. 154

112-5-8	Amended	V. 9, p. 155
112-5-9	Amended	V. 9, p. 155
112-6-6	Amended	V. 9, p. 155
112-9-5	Amended	V. 9, p. 155
112-9-7	Amended	V. 9, p. 156
112-9-8	Amended	V. 9, p. 156
112-9-11	Amended	V. 9, p. 156
112-9-13	Amended	V. 9, p. 156
112-9-18	Amended	V. 9, p. 157
112-9-21	Amended	V. 9, p. 157
112-9-22	Amended	V. 9, p. 158
112-9-23	Amended	V. 9, p. 159
112-9-29	Amended	V. 9, p. 159
112-9-34	Amended	V. 9, p. 159
112-9-37	Amended	V. 9, p. 159
112-10-4	Amended	V. 9, p. 160
112-11-2	Amended	V. 9, p. 160
112-11-3	Amended	V. 9, p. 161
112-11-6	Amended	V. 9, p. 161
112-11-7	Amended	V. 9, p. 161
112-11-9	Amended	V. 9, p. 161
112-11-10	Amended	V. 9, p. 161
112-11-12	Amended	V. 9, p. 162
112-11-14	Amended	V. 9, p. 162
112-11-15	Amended	V. 9, p. 162
112-11-20	Amended	V. 9, p. 162
112-12-2	Amended	V. 9, p. 164
112-12-4	Amended	V. 9, p. 164
112-15-1		
through		
112-15-7	New	V. 9, p. 1074, 1075
112-15-1		
through		
112-15-7	New	V. 9, p. 1346, 1347

**AGENCY 115: DEPARTMENT OF  
WILDLIFE AND PARKS**

Reg. No.	Action	Register
115-2-1	Amended	V. 9, p. 1134

115-2-4	New	V. 9, p. 951
115-4-3	New	V. 9, p. 386
115-4-5	New	V. 9, p. 387
115-4-6	New	V. 9, p. 388
115-4-7	New	V. 9, p. 390
115-4-9	New	V. 9, p. 1135
115-4-10	Amended	V. 9, p. 1135
115-4-11	New	V. 9, p. 1135
115-5-1	New	V. 9, p. 167
115-5-2	New	V. 9, p. 168
115-6-1	New	V. 9, p. 168
115-7-3	New	V. 9, p. 1135
115-7-5	Amended	V. 9, p. 951
115-7-6	New	V. 9, p. 1135
115-8-2	New	V. 9, p. 391
115-8-9	New	V. 9, p. 169
115-8-21	New	V. 9, p. 169
115-10-1		
through		
115-10-8	New	V. 9, p. 391, 392
115-16-1		
through		
115-16-4	New	V. 9, p. 1135-1137
115-17-1		
through		
115-17-5	New	V. 9, p. 1137-1139
115-20-1	New	V. 9, p. 951
115-20-2	New	V. 9, p. 1139
115-20-3	New	V. 9, p. 1140
115-30-2		
through		
115-30-8	New	V. 9, p. 1344, 1345

**AGENCY 116: STATE FAIR BOARD**

Reg. No.	Action	Register
116-2-1	Amended	V. 9, p. 1022

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